

# THE ILLINOIS SCHOOL LAW.

1872-1883.

AN ACT TO ESTABLISH AND MAINTAIN

— A —

## SYSTEM OF FREE SCHOOLS,

APPROVED APRIL 1, 1872.

INCLUDING AMENDMENTS MADE UP TO 1883, AND OTHER ACTS RELATIVE TO  
SCHOOLS AND SCHOOL OFFICERS, WITH AN APPENDIX CONTAINING  
ACTS ESTABLISHING STATE NORMAL SCHOOLS, AND PRO-  
VIDING FOR COUNTY NORMAL SCHOOLS, AND IN-  
DUSTRIAL SCHOOLS FOR BOYS AND GIRLS.

ILL - LAWS & STATUTES, etc.

SPRINGFIELD:  
H. W. ROKKER, STATE PRINTER AND BINDER.  
1883.



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## TABLE OF CONTENTS.

	PAGE.
<b>EXTRACT FROM THE CONSTITUTION.....</b>	<b>5</b>
<b>ACT OF 1872, AS AMENDED, 1874-1883:</b>	
<b>STATE SUPERINTENDENT OF PUBLIC INSTRUCTION:</b>	
Election.....	7
Oath—bond—office.....	7
Report to governor.....	8
To make rules and regulations.....	8
Legal advice of school officers.....	9
Compensation.....	9
To visit state charitable institutions that are educational.....	66
<b>COUNTY SUPERINTENDENTS OF SCHOOLS:</b>	
Election.....	9
Oath—bond.....	9
Liability to removal.....	10
Report to county board.....	11
To pass upon township treasurer's bonds.....	11
Apportionment of funds.....	11
Report to State Superintendent.....	12
To visit schools.....	12
To advise school officers and teachers.....	12
To examine treasurer's accounts.....	13
To examine teachers.....	35
To hold institutes.....	37
Compensation.....	70
<b>TRUSTEES OF SCHOOLS:</b>	
Election.....	15
Semi-annual meetings.....	17
Organization and appointment of treasurer.....	17
Change of district boundaries.....	18
Division of district property in case of change of boundaries.....	21
Distribution of funds.....	23
Establishment of township high schools.....	24
Report to county superintendent.....	25
To hold the title to school property.....	26
May protect the school funds by purchase of real estate.....	27
<b>SCHOOL DIRECTORS:</b>	
Election.....	28
Organization—records.....	28
Meetings.....	29
Report to township treasurer.....	29
Levying taxes.....	30
Borrowing money.....	32
General powers and duties.....	33
Filing schedules with township treasurer.....	40
<b>JUDGMENTS AND EXECUTIONS AGAINST TRUSTEES AND DIRECTORS:</b>	
Payment enforced by attachment, or by <i>mandamus</i> .....	35
<b>TEACHERS OF PUBLIC SCHOOLS:</b>	
Examination by county superintendents.....	35
State certificates.....	36
To keep registers.....	38
To make out schedules.....	38
Wages payable monthly.....	40
Unpaid balances draw interest.....	40
School month.....	40
Holidays.....	40
<b>TOWNSHIP TREASURER:</b>	
Appointment.....	17
Bond.....	41
Accounts, and record of notes, etc.....	42
Loans of school moneys.....	43
Semi-annual and annual statements to the trustees.....	45
Semi-annual statements to the directors.....	46
Liability for failure to perform the duties of his office.....	46
To turn over moneys, books, etc., to his successor.....	47

285949

## PAGE.

TOWNSHIP AND COUNTY SCHOOL FUNDS:	
Principal to remain intact.....	47
Interest to be distributed.....	47
DISTRICT SCHOOL MONEYS:	
Manner of disbursement.....	47
Orders—receipts.....	48
COMMON SCHOOL FUND:	
Consists of what.....	48
Distribution by state auditor.....	48
COMPENSATION OF OFFICERS:	
Collectors of two-mill tax.....	49
County superintendents of schools.....	49, 70
Township treasurers.....	50
Clerks of boards of directors.....	29
LIABILITIES OF SCHOOL OFFICERS:	
Conversion of school funds.....	50
Trustees liable for sufficiency of treasurers' securities.....	50
Lien on real estate of school officers.....	50
For failure to make reports.....	50
For loss of school funds.....	51
For perversion of school funds to sectarian uses.....	51
For being interested in the sale of school books, etc.....	52
COSTS IN SUITS TO PROTECT SCHOOL FUND.....	52
CITIES AND TOWNS WITH SPECIAL CHARTERS:	
Special acts not repealed or changed.....	52
Reports.....	52
May organize under the general law.....	55
COLLEGES, ACADEMIES, AND OTHER INCORPORATED SCHOOLS TO MAKE REPORTS.....	53
INCORPORATED CITIES AND VILLAGES WITHOUT SPECIAL CHARTERS:	
Boards of education in cities with over 2,000 inhabitants.....	53
Boards of education in cities with over 100,000 inhabitants.....	56
COMMON SCHOOL LANDS.....	58
Trespass thereon.....	59
FINES AND FORFEITURES:	
Payment of, enforced.....	59
How reported to the county superintendent.....	60
COMMON SCHOOL LANDS—SALE.....	60
ACTS REPEALED.....	64
ADDITIONAL ACTS PERTAINING TO THE PUBLIC SCHOOLS:	
WOMEN AS SCHOOL OFFICERS.....	65
RIGHTS OF COLORED CHILDREN.....	65
STATE CHARITABLE INSTITUTIONS.....	66
GRANTING THE RIGHT OF WAY TO RAILROADS.....	66
LEGALIZING SCHOOL DISTRICTS IN CERTAIN CASES.....	66
RENTAL OF SCHOOL LANDS.....	67
BOARDS OF EDUCATION APPOINTED IN CERTAIN CASES.....	67
PAYMENT OF FUNDS TO SCHOOL TREASURERS.....	68
CUSTODIANS OF FUNDS TO PUBLISH STATEMENTS.....	69
COUNTY SUPERINTENDENT'S COMPENSATION.....	70
DISTRICTS WITH FOUR HUNDRED INHABITANTS.....	70
REFUNDING SCHOOL INDEBTEDNESS—BONDS REGISTERED WITH THE STATE AUDITOR	71
REFUNDING SCHOOL INDEBTEDNESS—BONDS NOT REGISTERED.....	79
SCHOOL ORDERS—AGAINST FUNDS ON HAND—AGAINST TAXES LEVIED.....	80
SINKING FUNDS.....	81
LOANING SCHOOL FUNDS UNDER SPECIAL CHARTERS.....	82
EDUCATIONAL RIGHTS OF CHILDREN.....	82
APPENDIX:	
ACT ESTABLISHING STATE NORMAL UNIVERSITY, NORMAL.....	84
ACT ESTABLISHING SOUTHERN NORMAL UNIVERSITY, CARBONDALE.....	87
ACT FOR THE ESTABLISHMENT OF COUNTY NORMAL SCHOOLS.....	91
ACT FOR THE ESTABLISHMENT OF INDUSTRIAL SCHOOLS FOR GIRLS.....	93
ACT FOR THE ESTABLISHMENT OF INDUSTRIAL SCHOOLS FOR BOYS.....	97
INDEX.....	102

## EXTRACT FROM THE CONSTITUTION OF ILLINOIS.

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### ARTICLE VIII.

#### EDUCATION.

SECTION 1. The General Assembly shall provide a thorough and efficient system of free schools, whereby all children of this State may receive a good common school education.

§ 2. All lands, moneys, or other property, donated, granted or received for school, college, seminary or university purposes, and the proceeds thereof, shall be faithfully applied to the objects for which such gifts or grants were made.

§ 3. Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the State or any such public corporation, to any church, or for any sectarian purpose.

§ 4. No teacher, State, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture, used or to be used, in any school in this State, with which such officer or teacher may be connected, under such penalties as may be provided by the General Assembly.

§ 5. There may be a county superintendent of schools in each county, whose qualifications, powers, duties, compensation and time and manner of election, and term of office, shall be prescribed by law.

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## AN ACT

TO ESTABLISH AND MAINTAIN A SYSTEM OF

# FREE SCHOOLS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

### STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—HIS ELECTION AND DUTIES.

That at the election to be held on Tuesday after the first Monday of November, in the year of our Lord one thousand eight hundred and seventy-four, and quadrennially thereafter, there shall be elected, by the legal voters of this State, a State Superintendent of Public Instruction, who shall hold his office for four years from the second Monday in January next after his election, and until his successor is duly elected and qualified.

§ 2. Before entering upon his duties he shall take and subscribe the oath of office prescribed by the constitution, and shall also execute a bond, in the penalty of twenty-five thousand dollars, payable to the State of Illinois, with securities to be approved by the Governor, conditioned for the prompt discharge of his duties as Superintendent of Public Instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office. Said bond and oath shall be deposited with the Secretary of State, and an action may be maintained thereon by the State, at any time, for a breach of the conditions thereof.

§ 3. It shall be his duty to keep an office at the seat of government of the State, and to file all papers, reports and public documents transmitted to him by the several officers of the several counties, each year separately, and to keep and preserve all other public documents, books and papers relative to schools, coming into his hands as State Superintendent, and to hold the same in readiness to be exhibited to the Governor, or to any committee of either house of the General Assembly; and shall keep a fair record of all matters pertaining to the business of his office.

§ 4. He shall, without delay, pay over all sums of money which may come into his hands by virtue of his office, to the officer or person entitled to receive the same, in such manner as may be prescribed by law.

§ 5. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools.

Adviser of county superintendents.

§ 6. Said Superintendent shall have the supervision of all the common and public schools in the State and shall be the general adviser and assistant of county superintendents of schools in this State; he shall from time to time, as he shall deem for the interests of schools, address circular letters to said superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, examining and procuring competent teachers.

Report to Governor.

§ 7. Said State Superintendent shall, on or before the first day of November preceding each regular session of the General Assembly, report to the Governor the condition of the schools in the several counties of the State; the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first of July; what part of said number have been taught by males exclusively, and what part by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and write; the amount of township and county funds; the amount of the interest of the State or common school fund, and of the interest of the township and the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the price paid for the same, and total amount purchased, and what quantity and how distributed; and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the State; which report shall be laid before the General Assembly at each regular session. [As amended by an act approved June 3, 1879.]

To make rules

§ 8. The said State Superintendent of Public Instruction shall make such rules and regulations as may be

necessary and expedient to carry into efficient and uniform effect the provisions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining free schools in the State; and shall be the legal adviser of all school officers, and when requested by any such school officer, shall give his opinion in writing upon any question arising under the school laws of this State.

§ 9. The said State Superintendent shall have power to direct and cause the county superintendent of any county, directors or boards of trustees or township treasurer of any township, or other school officer, to withhold from any officer, township, district or teacher, any part of the common school, or township, or other school fund, until such officer, township treasurer or teacher shall have made all schedules, reports and returns required of him by this act, and until such officer shall have executed and filed all official bonds and accounted for all common school or township or other school funds which have heretofore come into his hands, as required of him by this act.

§ 10. And the said State Superintendent shall receive annually, such sum as may be provided by law, as a salary, for the services required under the provisions of this act, or any other law that may be passed, and also all necessary contingent expenses, for books, postage and stationery pertaining to his office, to be audited and paid by the State, as the salaries and contingent expenses of other officers are paid.

#### COUNTY SUPERINTENDENTS—THEIR ELECTION AND DUTIES.

§ 11. On the Tuesday next after the first Monday in November, 1882, and every four (4) years thereafter, there shall be elected by the qualified voters of every county in this State, a county superintendent of schools, who shall perform the duties required by law, and shall enter upon the duties of his office on the first Monday of December after his election. He shall, before entering upon his duties, take the oath prescribed by the constitution, and execute a bond payable to the State of Illinois, with two (2) or more responsible freeholders as security, to be approved by the county board, or judge and clerk of the county court, in penalty of not less than \$12,000, to be increased at the discretion of said board, conditioned that he will faithfully perform all the duties of his office according to the laws which are or may be in force, by which bond the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the board of trustees of the proper township, for the benefit of any township or fund injured by any breach; and the county board of each of the counties of this State shall, in the month of December, A. D. 1881, appoint a county superintendent of schools, who

To be legal  
adviser of  
school  
officers.

May cause  
funds to be  
withheld.

Oath and  
bond.

shall be the successors in office, respectively, of the county superintendents of schools then in office, and the term of office of the then officers so appointed shall be one (1) year and until the election and qualification of their successors. [As amended by an act approved May 31, 1881.]

§ 12. The bond required in the foregoing section shall be in the following form, viz:

STATE OF ILLINOIS, { ss.  
County. }

Form of bond. Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the People of the State of Illinois, in the penal sum of ..... dollars, to the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof we have hereunto set our hands and seals, this....day of ..... A. D. 18..

The condition of the above obligation is such, that if the above bounden A B, county superintendent of the county aforesaid, shall faithfully discharge all the duties of said office, according to the laws which now are or may hereafter be in force, and shall deliver over to his successor in office all moneys books, papers and property in his hands, as such county superintendent, then this obligation to be void: otherwise to remain in full force and virtue.

A B. [SEAL.]  
C D. [SEAL.]  
E F. [SEAL.]

And which bond shall be filed in the office of the county clerk.

County su- § 13. The said superintendent shall be liable to removal  
perintendent to re- by the county board for any palpable violation of law or  
moval. omission of duty; and if a majority of said board shall

Supervisors at any time be satisfied that his bond is insufficient, it may require a new bond. shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond, the execution of which shall not affect the old bond, or the liability of the security thereof; and when the office of

Vacancies. county superintendent shall become vacant by death, resignation or otherwise, the county board shall fill the same by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor.

Records. § 14. The said superintendent shall provide three well bound books, which shall be paid for from the county treasury. These books shall be known and designated by the letters A, B, C, for the following purpose: In book

Of land sales. A he shall record, at length, all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B, he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of land sold and the sum sold for. In book C, he shall keep a regular

Of money received, and of loans and securities. account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest,

the names of the securities when personal security is taken, or, if real estate is taken as security, a description of said real estate; and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales and the accounts of each township fund to be kept separate. The county superintendent shall report in writing to the county board, at their regular meeting in September each year, giving first, the balance on hand at the time of the last report, and a statement in detail of all receipts since that date, and the sources from which they were derived; second, the amount paid for expenses; third, the amount of his commissions; fourth, the amount distributed to each of the township treasurers in his county; fifth, any balances on hand. He shall also present for inspection at the same time his books and all notes or other evidences of indebtedness which he holds officially with the securities of the same; and he shall give in writing a statement of the condition of the county fund and of any township funds of which he may have the custody. [As amended by an act approved June 3, 1879.]

§ 15. Whenever the bond of any township treasurer, approved by the board of trustees of schools, as required by law, shall be delivered to the county superintendent, he shall carefully examine the same, and if the instrument is found to be in all respects according to law, and the securities good and sufficient, he shall indorse his approval thereon, and file the same with the papers of his office; but if said bond is in any way defective, he shall return it for correction. When the bond shall have been duly received and filed, the superintendent shall, on demand, deliver to said township treasurer all moneys, bonds, mortgages, notes and securities, and all papers of every description belonging to said township; and the said township treasurer shall receipt for the same, which receipt shall be carefully filed and preserved by the county superintendent, and shall be evidence of the fact therein stated.

§ 16. Upon the receipt of the amount due upon the auditor's warrant, the county superintendent shall apportion said amount to the several townships and parts of townships in his county, in which townships or parts of townships schools have been kept in accordance with the provisions of this act and with the instructions of the State and county superintendent, according to the number of children, under twenty-one years of age, returned to him, and shall pay over the distributive share belonging to each township and fractional township, to the respective township treasurers, or other authorized persons, annually: *Provided*, that no part of the State, county or other school fund shall be paid to any township treasurer, or other person authorized by said treasurer, unless said township treasurer has filed his bond, as required

Report to  
county board.

To pass  
upon bond of  
township  
treasurer.

To deliver  
moneys, etc.,  
to the treas-  
urer.

Apportion-  
ment to town-  
ship.

Funds not  
to be paid till  
bond is filed.

by the fifty-fifth section of this act, nor in case said treasurer is re-appointed by the trustees, unless he shall have renewed his bond and filed the same as aforesaid.

<sup>Report to State Superintendent.</sup> § 17. On or before the fifteenth day of August before each regular session of the General Assembly, or annually, if so required by the State Superintendent, the county superintendent shall communicate to said State Superintendent all such information and statistics upon the subject of schools in his county as the said State Superintendent is bound to embody in his report to the Governor, and such other information as the said State Superintendent shall require; and any county superintendent so failing or refusing to report, shall be liable to removal by the county board for such neglect of duty. [As amended by an act approved June 3, 1879.]

<sup>Liable to removal.</sup>

§ 18. The county superintendent, upon his removal or resignation, or at the expiration of his term of service (or in case of his death his representatives), shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office, or subject to the control or disposition of the county superintendent.

<sup>To loan county fund.</sup>

§ 19. The county superintendent may loan any money, not interest, belonging to the county fund, before the same is called for, according to law, by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers, and apportion the interest as provided in section sixteen of this act; and notes and mortgages taken in the name of the "county superintendent" of the proper county, are hereby declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "county superintendents," on all notes and mortgages heretofore or hereafter made payable to the county superintendents.

<sup>Notes and mortgages in his favor.</sup>

§ 20. It shall be the duty of the county superintendent, if so directed by the county board, to visit, at least once in each year, every school in his county, and to note the methods of instruction, the branches taught, the text books used, and the discipline, government and general condition of the schools. He shall give such directions in the science, art and methods of teaching as he may

<sup>To advise school officers and teachers.</sup>

deem expedient and necessary, and shall be the official adviser and constant assistant of the school officers and teachers of his county, and shall faithfully carry out the advice and instruction of the State Superintendent. He shall encourage the formation and assist in the management of county teachers' institutes, and labor in every practicable way to elevate the standard of teaching and improve the condition of the common schools of his county. In all controversies arising under the school law, the opinion and advice of the county superintendent shall

first be sought, whence appeal may be taken to the State <sup>Appeal to</sup> State Superintendent, upon a written statement of facts, certified by the county superintendent. He shall, at least once each year, examine all books, accounts, and vouchers of each township treasurer in his county; and if he find any irregularities in them, he shall at once report the same in writing to the board of trustees, whose duty it shall be to take immediately such action as the case demands. He shall also examine all notes, bonds, and mortgages, and other evidences of indebtedness which the township treasurer holds officially; and if he find that the papers are not in proper form, or that the securities are insufficient, he shall so state in writing to the board of trustees, whose duty it shall be to take at once such action as is necessary to save and protect the property of the districts and the townships; and for a failure or refusal to take such action within twenty days after such notice, the members of the board, each in his individual capacity, shall be liable to a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), to be recovered before any justice of the peace, on information in the name of the People of the State of Illinois, provided such insufficiency is proven, and when collected, to be paid to the county superintendent of the proper county, for the use of schools; and the payment of this fine shall not relieve the board of trustees from their liability under the seventy-third (73) section of this act. [As amended by an act approved June 3, 1879.]

§ 21. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the county superintendent, the information and statistics required of them in this act, it shall be the duty of said county superintendent to employ a competent person to take the enumeration and furnish said statistical statement, as far as practicable, to the superintendent; and said person so employed shall have free access to the books and papers of said township, to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit said person to examine such books and papers, at such times and places as such person may desire for the purposes aforesaid; and the said county superintendent shall allow, and pay to the person so employed by him, for the services, such amount as he may judge reasonable, out of any money which is or may come into said superintendent's hands, apportioned as the share of, or belonging to such township; and the said county superintendent shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the People of the State of Illinois, of and against the trustees of

<sup>Trustees</sup>  
may be fined.

<sup>Failure of</sup>  
<sup>trustees to</sup>  
<sup>furnish statis-</sup>  
<sup>tics.</sup>

<sup>County su-</sup>  
<sup>perintendent</sup>  
<sup>to employ a</sup>  
<sup>competent</sup>  
<sup>person to get</sup>  
<sup>statistics.</sup>

<sup>Suit against</sup>  
<sup>the trustees</sup>  
<sup>as individuals</sup>

schools of said township, in their individual capacity; and in such suit or suits the said county superintendent and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the county superintendent for the benefit of said township, to replace the money taken as aforesaid.

<sup>May sell real estate.</sup> § 22. When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any county superintendent for the use of the inhabitants of one or more townships, or of the county, the county superintendent may lease or sell such real estate for the benefit of said township or townships, or of the county under the provisions of section No. forty-one (41) of this act regulating the leasing and sales of land by school trustees. *Provided*, that in case the real estate be held for the benefit of any township or townships, it shall not be sold except upon the written request of school trustees of said township or townships; and the said superintendent is hereby authorized to execute conveyances to purchasers. [As amended by an act approved June 3, 1879.]

#### TOWNSHIPS — TRUSTEES OF SCHOOLS.

<sup>Schooltownship.</sup> § 23. Each congressional township is hereby established a township for school purposes, but when any fractional township contains less than forty persons under twenty-one years of age, the trustees thereof, upon petition of a majority of the inhabitants of such fractional township, may, by agreement entered into with the board of trustees of any adjacent township, consolidate the territory, school funds and other property of such fractional township with such adjacent township, and thereafter shall cease to exercise the functions of school trustees for such fractional township; and such territory, school funds and other property aforesaid shall thereafter be managed by the board of trustees of the adjacent and consolidated township, in accordance with the terms of agreement aforesaid, in the same manner as is or may be provided by law for the management of the territory, funds and other property of school townships. The business of the township shall be done by three trustees, to be elected by the legal voters of the township, who, upon their election, as hereinafter provided, shall be a body politic and corporate, by the name and style of "trustees of schools of township . . . , range . . . , " according to the number. The said corporation shall have perpetual existence; shall have power to sue and be sued, to plead and be impleaded in all courts and places where judicial proceedings are had. Said trustees shall continue in office three years, and until others are elected and enter upon the duties of their office. At the first regular election of trustees, after the passage of this act, a successor to the trustee whose term of office then expires shall be elected, and thereafter one trustee shall be elected annually.

<sup>Fractional townships may be consolidated.</sup> Trustees a body politic.

<sup>Term of office.</sup>

§ 24. No person shall be eligible to the office of trustee of schools, unless twenty-one years of age, and a resident of the township. And where there are three or more school districts in any township, no two trustees shall reside, when elected, in the same school district. [As amended by an act approved May 23, 1877.]

§ 25. The election of trustees of schools shall be on the second Saturday in April, annually; but in townships where such election has not been heretofore had, or where there are no trustees of schools, the election of trustees of schools may be holden on any Saturday, notice being given as hereinafter in this section required. The first election shall be ordered, if in the townships already incorporated, by the trustees of schools of the townships, the township treasurer giving notice of the time and place by posting notices of the same at least ten days previous to the day of election, in not less than five of the most public places in the township. If there are no trustees of schools in a township, the county clerk shall cause the notice to be given as aforesaid, and in such case the trustees elected at their first meeting shall draw lots for their respective terms of office for one, two and three years, and thereafter one trustee shall be elected, annually, to fill the vacancy occurring. For all subsequent elections, the like notices shall be given by the trustees of schools, through the township treasurer: *Provided*, that if upon any day appointed as aforesaid, for election aforesaid, the said trustees of schools, or judges, shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Saturday, and at the same place and hour; at which meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *And, provided, also*, that if notice shall not have been given as above required, then, and in that case, said election may be ordered as aforesaid, and holden on the first Saturday in May, or any other Saturday, notice thereof being given as aforesaid: *And, provided, also*, that if the township treasurer shall fail or refuse to give notice of the regular election of trustees, as aforesaid, and if, in case of a vacancy, the remaining trustee or trustees shall fail or refuse to order an election to fill such vacancy, as required in section twenty-nine of this act, then, and in each case, it shall be the duty of the county superintendent to order an election of trustees to fill such vacancies, as aforesaid; and all elections so ordered and held shall be valid to all intents and purposes whatever.

§ 26. The trustees of schools of incorporated townships, present, shall act as judges, and choose a person to act as clerk of said election. If said trustees (or any of them) shall fail to attend, or refuse to act when present, the

Election.

Judges may postpone election.

Election on any Saturday.

County superintendent to order election.

Judges of election.

electors present shall choose from their own number such additional judges as may be necessary; and in townships unincorporated, the qualified voters present shall choose from amongst themselves the number of judges required to open and conduct said election.

**Conduct of elections.** § 27. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said election, shall be the same as prescribed by the general election laws of this State defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act: *Provided*, that said election may commence, if so specified in the notice, at any hour between the hours of eight (8) A. M. and one

**Polls may be closed at four o'clock P. M.** (1) P. M., and the judges may close said election at four P. M.: *And, provided, further*, that in townships where, for general elections, there is more than one (1) polling place, the trustees shall give notice that at each of said

**More than one polling place.** polling places a poll will be opened for such election, in which case at least one (1) of said trustees shall attend

at each of said places, and additional judges shall be chosen as provided in section twenty-six (26) of the act to which this is an amendment; should the polling places be in excess of the number of trustees, then the voters at such polling places so in excess shall select from their number the requisite number of voters, who shall act as judges of said election, in the manner provided by said section twenty-six (26). And in counties adopting township organization, in each and every township whose boundaries coincide and are identical with those of the

**Election when township is same as town.** town, as established under the township organization laws, the trustee or trustees shall be elected at the same

time and in the same manner as the town officers; and all elections heretofore held at such time and in such manner in such townships are hereby legalized. And in all such townships, if no trustees are elected at the stated town meeting, and when vacancies occur in the board, an election of trustee or trustees shall be ordered by the trustees of schools, through the township treasurer, as provided in the twenty-fifth (25th) section of this act. [As amended by an act approved May 31, 1881.]

**Qualifications of voters.** § 28. No person shall vote at said election, nor at any other election held in pursuance of the provisions of this act, unless he possesses the qualifications of a voter at a general election. In case of a tie at such election, it shall be determined by lot, on the day of election, by the judges thereof.

**Tie.** § 29. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Saturday, notice to be given as required in section twenty-five hereof.

**Vacancies.**

§ 30. Upon the election of trustees of schools, the judges of the election shall, within ten (10) days thereafter, cause a copy of the poll-book of said election to be delivered to the county superintendent of the county, with a certificate thereon, showing the election of said trustees and names of the persons elected; which copy of the poll-book with the certificate, shall be filed by said superintendent and shall be evidence of such election. For failure to deliver such copy of the poll-book and certificate within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be recovered in the name of the People of the State of Illinois, by action of assumpsit, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund of the township. When school trustees are elected at town meetings, as provided in section twenty-seven of this act, it shall be the duty of the county clerk, as soon as the list of the names of officers elected at the town meetings is filed with him, to give the county superintendent a list of the names of all school trustees elected at the town meetings in the county. [As amended by an act approved June 3, 1879.]

§ 31. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands appointed by the county commissioners' court, and of trustees of schools elected in townships, under the provisions of "An act making provisions for organizing and maintaining common schools," approved February 26, 1841, and of "An act to establish and maintain common schools," approved March 1, 1847. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands or trustees of schools, appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools as successors, in as full and complete a manner as was vested in the school commissioner (the trustees of school lands), or the trustees of schools appointed and elected as aforesaid.

§ 32. It shall be the duty of the board of trustees, to hold regular semi-annual meetings on the first Monday of April and October, and special meetings may be held at such other times as they may think proper. Special meetings of the board may be called by the president or any two members thereof; and at all meetings, two members of the board shall be a quorum for business. Within ten days after the annual election of trustees the board shall organize by appointing one of their number president, and some person, who shall not be a director or trustee, and who shall be a resident of the township, treasurer, if there be a vacancy in this office, who shall be *ex-officio* clerk of the board. The president shall hold his office for one year, and the treasurer for two years, and his term of office.

Poll-book.

Failure to deliver poll-book.

County clerks to furnish list of trustees elected at town meetings.

Successors to trustees of school lands.

Meetings of trustees and quorum.

Organization.

Appointment of president.

Appointment of treasurer and his term of office.

Records of  
proceedings.

until their successors are appointed; but either of said officers may be removed by the board for good cause. It shall be the duty of the president to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record, in a book to be provided for the purpose, all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all of said proceedings, when recorded, shall be signed by the president and the clerk. If the president or clerk shall be absent or refuse to perform any of the duties of his office, at any meeting of the board, a president or clerk, *pro tempore* may be appointed. [As amended by an act approved June 3, 1879.]

#### DIVISION INTO DISTRICTS—MAP—ALTERATIONS, ETC.

Who may  
petition.

§ 23. Trustees of schools in newly organized townships shall lay off the township into one or more districts, to suit the wishes and convenience of a majority of the inhabitants of the township, and shall prepare or cause to be prepared a map of the township, on which map shall be designated the district or districts, to be styled, when there are more than one (1) district, "District No....., in township No....., range..... of the .....P. M. (according to the proper numbers), county of....., and State of Illinois." And when petitioned so to do, as hereinafter provided, they may, having discretion in the matter, at the regular meeting in April, change such districts as lie wholly within their townships, so as to divide or consolidate districts, to organize a new district out of territory belonging to two (2) or more districts, or to detach territory from one (1) district and add the same to another district adjacent thereto. And at the same meeting, by the concurrent action of the several boards of trustees of the townships in which the district or districts affected lie, each board being petitioned as hereinbefore provided, the same changes may be made in the boundaries, both of districts which lie in separate townships but adjacent to each other, and of districts formed of parts of two (2) or more townships: *Provided*, that none of these changes shall be made unless petitioned for—(1) by a majority of the legal voters of each of the districts affected by the proposed change; or, (2) by two-thirds ( $\frac{2}{3}$ ) of the legal voters living within certain territory, described in the petition, asking that said territory be detached from one district and added to another; or, (3) by two-thirds ( $\frac{2}{3}$ ) of all the legal voters living within certain territory, containing not less than ten (10) families, asking that said territory may be made a new district. But in case any territory be set off from any district that has a bonded debt, the change not being petitioned for by a majority of the legal voters of said district, such district shall remain liable for the payment of such bonded debt, as if

Bonded debt.

not divided. The directors of the original district having such bonded debt, and of the district into which the territory taken from such original district has been incorporated or formed, shall constitute a joint board for the purpose of determining and certifying, and they shall determine and certify to the county clerk the amount of tax required yearly for the purpose of paying the interest and principal of such bonded debt, which tax shall be extended by the county clerk against all property embraced within such original district, as if it had not been divided:

*Provided, also,* that in school districts having a population of not less than one thousand (1,000) inhabitants, any desired change of boundaries may be submitted to the trustees by a vote of the people, instead of by petition, as hereinbefore set forth; and when petitioned so to do by twenty-five legal voters of the district, the school board of the district shall submit the question of change desired to the voters of said district, at a special election called for that purpose, and held at least thirty (30) days prior to the regular meeting of the trustees at which they consider change of district boundaries. If a majority of the votes cast at any such election shall be in favor of the change proposed, then, due return of the election having been made to the township treasurer, the township trustees shall consider and take action, the same as if petitioned therefor by a majority of the legal voters of such district; but no question of change of boundaries shall be submitted to a vote of the school district more than once in any one (1) year: *Provided, further,* that no petition shall be acted upon by any board of trustees unless it shall have been filed with the clerk of said board of trustees twenty (20) days before the regular meeting in April, nor unless a copy of said petition, together with a notice, in writing, which notice may be in the following form, to-wit:

The directors of district No. ...., in township No. ...., range of the ..... principal meridian, will take notice that the undersigned have made and filed with the clerk of the board of trustees of said township their petition, a copy of which is herewith handed to you.

shall be delivered by the petitioners, or some one of them, at least ten (10) days before the date at which the petition is to be considered, to the president or clerk of the board of directors of each district whose boundaries will be changed if the petition is granted. When, at the regular meeting of the trustees in April, any such petition shall come before the trustees, it shall be the duty of the trustees to ascertain, first, whether the foregoing provisions have been strictly complied with; and if it shall appear that they, or either of them, have not been complied with, in such case the board shall adjourn the hearing Shall adjourn. for not longer than four (4) weeks, in order that the foregoing provisions may be complied with; but there shall be but one (1) adjournment for such purpose. If, on the day of the regular meeting, or at the adjourned meeting, it shall appear that such provisions have been complied

Vote in districts with 1,000 or more inhabitants.

Petition to be filed 20 days.

Notice to districts.

## Appeal.

with, then the trustees shall consider the petition, and shall also hear any legal voters living in the district or districts that will be affected by the change if made, who may appear before them to oppose the petition; and they shall grant or refuse the prayer of the petitioners without unreasonable delay. But the petitioners or the legal voters, who have appeared before the trustees at the meeting when the petition was considered, and opposed the same, shall have the right of appeal to the county superintendent of schools: *Provided*, the party appealing files with the clerk of the trustees a written notice of appeal within ten (10) days after final action upon the petition by the trustees. Whenever any changes, as provided in this section, are made by the trustees of schools, if no appeal is taken to the county superintendent, the clerk of the trustees shall make a complete copy of the record of the action of the trustees, which copy shall be certified by the president of the trustees and the clerk, who shall file the same, together with a map of the township showing the districts, and an accurate list of the tax-payers of the newly arranged districts, with the county clerk, within twenty (20) days of the action of the trustees. When the trustees of schools shall organize a new district under the provisions of this section, it shall be the duty of the clerk of the trustees, if no appeal is taken to the county superintendent, to order, within fifteen (15)

Election in new district. days after the action of the trustees, an election, to be held at some convenient time and place, within the boundaries of such newly organized district, for the election of three (3) school directors, notice being given by the township treasurer, who shall post up three (3) notices of such election in three (3) prominent places in said district, at least ten (10) days prior to the time appointed for holding such election, which notices shall specify the place where such election is to be held, the time for opening and closing the polls, and the object of said election. It shall be the duty of the legal voters present, five (5) of whom shall constitute a quorum, to appoint three (3) of their number, two (2) of whom shall act as judges, and one (1) as clerk of said election. Within ten (10) days after the election, it shall be the duty of the directors elected at said election, to meet at some convenient time and place, previously agreed upon by said directors, and

Organization of board. organize as a district board, by appointing one (1) of their number president, and also some suitable person clerk of the board, who shall, by virtue of his office, be clerk of the district. At this first meeting of the directors, they shall draw lots for their respective terms of office for one (1), two (2) and three (3) years, each of which shall be considered a fractional term, ending at each annual meeting, according to the length of term drawn. When

Clerk to transmit papers in case of appeal. an appeal is taken from the action of the trustees to the county superintendent, the clerk of the trustees shall, within five (5) days after the written notice of the appeal

has been filed with him by the appellants, transmit all the papers in the case, with a transcript of the records of the trustees, showing their action thereon, to the county superintendent, and in case of an appeal the township treasurer shall be required to take no further action in the matter, except upon the order of the county superintendent, whose duty it shall be to investigate the case upon such appeal; and if, in his opinion, the change asked is for the best interests of the district or districts concerned, he shall make such change or changes; but if he considers the proposed change unadvisable, he shall refuse to make it, and shall reverse, if need be, the action of the trustees, and shall give the clerk from whom he received the papers immediate notice of such refusal, and his action shall be final and binding. If the changes asked by the petitioners shall be made by the county superintendent, he shall notify in writing the clerk by whom the papers in the case were transmitted to him, of his action, and the clerk shall thereupon make a record of the same, and shall, within ten days thereafter, make a copy of the same and the map and list of tax-payers, and deliver them to the county clerk for filing and record by him, the same as if the change had been ordered by the trustees. And in case a new district is organized by the action of the county superintendent, the clerk shall, within five (5) days thereafter, order an election of directors in the new district, the same as if the change had been made by the board of trustees. Whenever a new district has been formed by the trustees or by the county superintendent, from a part of a district or from parts of two (2) or more districts, the trustees of the township or townships concerned shall proceed forthwith to make a distribution of any tax funds or other funds which are in the hands of the treasurer, or to which the district may, at the time of such division, be entitled, so that both the old and new districts shall receive parts of such funds in proportion to the amount of taxes collected, next preceding such division, from the taxable property in the territory composing the several districts. If the new district be composed of parts of two (2) or more districts, the trustees shall make distribution of said funds between the new district and the old districts respectively, so that the new district shall receive a distribution of the funds of each of the old districts in the proportion which the amount of taxes collected from the property in the territory of the new district bears to the whole taxes collected, next before the division, in the old district; and the town treasurer shall forthwith place the sum so distributed to the credit of the respective districts, and shall immediately place the proportion of the said funds to which said new district may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand, as soon as collected. The trustees of the town-

Power of  
county super-  
intendent.

Distribution  
of funds.

ship or townships concerned, shall, at the time of the creation of a new district, or within the period of thirty (30) days thereafter, proceed to the appointment of three appraisers, who shall not be citizens of the township or

**Appraise-  
ment of prop-  
erty.** townships interested. It shall be the duty of said appraisers, within thirty days after their appointment, to appraise

the school property, both real and personal, of the district or districts interested, at their [its] fair cash value. Within thirty (30) days after such appraisement, the trustees of the township or townships concerned shall proceed to charge the property to the district in which it may be found, and to credit the other district interested therein with its proportion of such valuation: *Provided*, that the *bona fide* debts, if any, of the old district, shall first be deducted and the balance charged and credited as aforesaid, and of the funds then on hand, or subsequently to accrue, belonging to such district to which such property is charged, the trustees shall direct the treasurer to place to the credit of the district not retaining said property its proportion of

**Liability of  
trustees.** the value of said property. If trustees shall fail to observe the provisions of this section in reference to distribution of funds and property, they shall be individually and jointly liable to the district interested, in an action on the case, to the full amount of the damages sustained by the district aggrieved. Where trustees have heretofore failed to make distribution of property to districts, as provided in this section, any district interested in the making of such distribution may, by its directors, request the trustees, in writing, to proceed to make such distribution; and said trustees shall proceed to make distribution in the manner herein prescribed, and shall be liable

**Liability of  
clerk.** in like manner for neglect or failure. The clerk of any board of trustees who shall fail, neglect or refuse to perform the duties imposed upon him by this section, or any of them, within the time and in the manner prescribed, shall, for each offense, forfeit not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) of his

**District fail-  
ing to have  
school t w o  
years to be  
divided.** pay as clerk of the board of trustees and township treasurer, which forfeiture shall be enforced by the trustees. If any school district shall, for two (2) consecutive years, fail to

maintain a public school, as required by law to do, it shall be the duty of the trustees of schools of the township or townships in which such district lies, to attach the territory of such district to one (1) or more adjoining school districts; and, in case said territory is added to two (2) or more districts, to divide the property of said district between the districts to which its territory is added, in the manner hereinbefore provided for the division of property in case a new district is organized from a part of another district, and the action of the trustees in such a case shall be final and binding; and the clerk of the trustees in such cases shall file a copy of the record of the same, together with the map and list of tax-payers,

with the county clerk, as in other cases of change of Union district dissolved by district boundaries. The majority of the legal voters of petition. a district lying in two (2) or more townships may secure the dissolution of said district by petitioning the several boards of trustees of said townships, at their regular meeting in April, that each will add the territory belonging to said district in its township to one (1) or more adjoining districts. Upon receipt of such petition, or returns of such election, the several boards of trustees shall each make such disposition of the territory of said district as lies in its township, and they shall jointly make such division of the property of said district between the districts to which its territory is attached, as is herein-before provided in the case of organization of a new district from a part of another district; and the action of the trustees, in accordance with such petition or election, shall be final and binding, and the clerks of the several boards of trustees in such case shall file a copy of the record of the same, together with the map and list of tax-payers, with the county clerk, as in other cases of change of district boundaries. [As amended by an act approved May 23, 1877; by an act approved May 31, 1879, and by an act approved May 31, 1881.]

§ 34. At the regular semi-annual meetings, on the first Mondays of April and October, the trustees shall ascertain the amount of State, county and township funds on hand and subject to distribution, and shall apportion the same as follows:

*First.*—Whatever may be due for the compensation and the books of the treasurer, and such sum as may be deemed reasonable for dividing school lands, making plats, etc.

*Second.*—The remainder shall be divided among the districts or fractions of districts in which schools have been kept in accordance with the provisions of this act, and the instructions of the State and county superintendents, during the preceding year ending June 30, in proportion to the number of children under twenty-one (21) years of age in each: *Provided*, that no district which shall show by schedules filed on or before the meeting of the trustees in October, 1881, that it has had a legal school for one hundred and ten (110) days during the preceding year, shall be deprived of a share of the funds distributed at that and the next regular meeting of the trustees. The funds thus apportioned shall be placed on the books of the treasurer to the credit of the respective districts, and the same shall be paid out by the treasurer on the legal orders of the directors of the proper districts. [As amended by act approved May 31, 1881.]

§ 35. Pupils shall not be transferred from one district to another without the written consent of a majority of the directors of both districts which written permits shall be delivered to and filed by the proper township treas-

Distribution to districts.

Funds to be put to credit of districts.

Transfer of pupils.

Separate  
schedules.

urer, and shall be evidence of such consent. A separate schedule shall be kept for each district, and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days' attendance of all the schedules. If the district from which the pupils are transferred is in the same township as the district in which the school is taught, the directors of said district shall deliver the separate schedule[s] to their township treasurer, who shall credit the district in which the school was taught, and charge the other districts with the respective amounts certified in said separate schedules to be due. If pupils are transferred from a district of another township, the schedule for that district shall be delivered to the directors thereof, who shall immediately draw an order on their treasurer, in favor of the treasurer of the township in which the school was taught, for the amount certified to be due in said separate schedule. When a school is composed in

Directors to  
collect.  
part of pupils transferred from other townships, the duty of collecting the amount due on account of such pupils

Township  
high school.  
shall devolve upon the directors. Upon petition of fifty voters of any school township, filed with the township treasurer at least fifteen days preceding a regular election

How estab-  
lished.  
of trustees, it shall be the duty of said treasurer to notify the voters of the township that an election "For" and "Against" a high school will be held at the next ensuing election of trustees, and the ballots to such effect shall be received and canvassed at such election; and if a majority of the votes at such election shall be found to be in favor of a high school, it shall be the duty of the trustees of the school district to establish, at some central point most convenient for the majority of the pupils of the township, a high school, for the education of the

Trustees to  
have powers  
of directors.  
more advanced pupils. For the purpose of building a school house, supporting the school, and other necessary expenses, the township shall be regarded as a school district, and the trustees shall have the power, and discharge the duties of directors for such district in all respects:

Parts of two or more townships may join two or more adjoining townships, or parts of townships, in establishing a high school. *Provided*, that in like manner, the voters and trustees of a high school, on such terms as they may by written agreement made by the boards of trustees, enter into.

*And provided, further*, that when any township or parts of townships shall have organized a high school, and wish to discontinue the same, upon petition of fifty voters of said township, or parts of townships, filed with the township treasurer at least fifteen (15) days preceding a regular election of trustees, it shall be the duty of said treasurer to notify the voters of the township that an election will be held to discontinue the high school at the next ensuing election of trustees, and the ballots cast "For" or "Against" the continuance of the high school, shall be received and

Township  
high school  
may be dis-  
continued.

canvassed at such election; and if a majority of the votes at such election shall be found against continuing the high school, it shall be the duty of the trustees to discontinue the same, and to turn all the assets of the high school over to the school fund of said township, to be used as any other township fund for school purposes. [As amended by an act approved March 24, 1874, and by an act approved June 3, 1879.]

Disposition  
of assets.

§ 36. The board of trustees of each township in this State shall prepare, or cause to be prepared, by the township treasurer, the clerk of the board, the directors of the several districts, or other person, and forwarded to the county superintendent of the county in which the township lies, on or before the fifteenth day of July preceding each regular session of the General Assembly of this State, and at such other times as may be required by the county superintendent, or by the State Superintendent of Public Instruction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first of July and ending on the last of June; which statement shall be as follows:

*First.*—The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods.

*Second.*—The whole number of scholars in attendance at all the schools, giving the number of males and females separately.

*Third.*—The number of male and female teachers, giving each separately; the highest, lowest and average monthly compensation paid to male and female teachers, giving each item separately.

*Fourth.*—The number of persons under twenty-one years of age, making a separate enumeration of those above the age of twelve years who are unable to read and write, and the cause or causes of the neglect to educate them.

*Fifth.*—The amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury.

*Sixth.*—Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others.

Report to  
county su-  
perintendent

*Seventh.*—The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the State Superintendent or county superintendent may require. And any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the public fund for the next ensuing year: *Provided*, that upon the recommendation of the county superintendent, or for good and sufficient reasons, the State Superintendent may remit such forfeiture. [As amended by an act approved June 3, 1879.]

Forfeiture for failure to report.

Separate enumeration.

§ 37. In all cases where a township is or shall be divided by a county line or lines, the board of trustees of such township shall make or cause to be made separate enumerations of male and female persons of the ages as directed in the foregoing section of this act, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper county superintendent of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section, shall be separately reported to the several county superintendents; and all such parts of said statistical information as are not susceptible of division, and are impracticable to be reported separately, shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

Statistics not divisible.

Examination by trustees.

§ 38. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

Title of school houses.

Directors to have control of school houses—may grant use of them for meetings.

§ 39. The board of trustees of each township in the State may receive any gift, grant, donation, or devise made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all school

houses and school house sites; but the supervision and control of them is expressly vested in the directors of each district in which said property is situated, who may grant the temporary use of school houses, when not occupied by schools, for religious meetings and Sunday schools, for evening schools and for literary societies, and for such other meetings as the directors may deem proper; and when, in the opinion of the school directors, the school house site or the buildings have become unnecessary, or unsuitable, or inconvenient for a school,

said board of trustees, on petition of a majority of the voters of the district, shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale, by posting up written or printed notices thereof, particularly describing said property and terms of sale; and such conveyance shall be executed by the president and clerk of said board, and the avails shall be paid over to the township treasurer for the benefit of said district; and all conveyances of real estate which may be made to said board, shall be made to said board in their corporate name, and to their successors in office.

§ 40. The township board shall cause all moneys for the use of the townships and districts to be paid over to the township treasurer, who is hereby constituted and declared to be the only lawful depositary and custodian of all township and district school funds. They shall have power also to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisition of said board, legally made, or for other improper conduct in the discharge of his duty as any treasurer. They shall also have power, for any failure or refusal as aforesaid, to sue him upon his bond.

§ 41. The township trustees are hereby vested with general power and authority to purchase real estate, if, in their opinion, the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or county superintendent are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said board, for the use of the inhabitants of said township, for school purposes. The said board are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; or receive deeds of real estate in compromise; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing, or that may hereafter exist, for the benefit of the township, when the interest of said township, or the fund concerned, shall, in their opinion, require it; and their action shall be valid. Said board of trustees are hereby authorized to lease or sell, at public auction, any land that may come into their possession, in such manner and on such terms as they shall deem for the interest of the township: *Provided*, that in all cases of sale of land as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner as is provided in this act for the sale of the sixteenth section; and all such sales shall be by public auction.

Township  
treasurer  
only lawful  
custodian.

May remove  
township  
treasurer.

May sue.

May purchase  
real estate  
in satisfac-  
tion of judg-  
ments.

Settlements.

May lease  
or sell at auc-  
tion.

## SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.

**Term of office.** § 42. The annual election of school directors shall be on the third Saturday of April, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected. In new districts the first election may be on any Saturday, notice being given by the township treasurer, as for the election of trustees, when three directors shall be elected, who shall, at the first meeting, draw lots for their respective terms of office, for one, two and three years. When vacancies occur, the remaining director or directors shall without delay, order an election to fill such vacancies; which election shall be held on Saturday. Notices of all elections

**Vacancies.**

**Notices of election.** in organized districts shall be given by the directors, at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be voted on. Should the directors fail or refuse to order any regular or special election as aforesaid, it shall be the duty of the township treasurer to order such election; and if

**Township treasurer and county superintendent may order.** he fails to do so, then it shall be the duty of the county superintendent to order such election of directors within ten days, in each case of such failure or refusal; and the election held in pursuance of such order shall be valid, the same as if ordered by the directors. Two of the directors ordering the election shall act as judges, and one as clerk of said election. But if said directors, or any of them, shall fail to order an election, to attend, or [shall] refuse to act when present, and in unorganized districts,

**Judges.** the legal voters, when assembled, shall choose such additional number as may be necessary to act as two judges and a clerk of said election: *Provided*, that if, upon the day appointed for said election the said directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Saturday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And provided, also*, that if notice shall not have been given as above required, then said election may be ordered as aforesaid, and holden on the third Saturday in April, or any other Saturday, notice thereof being given as aforesaid. In case of a tie the judges shall decide it by lot on the day of election. The directors, within ten days after the annual election of the directors, shall meet and organize by appointing one of their number president and another of their number clerk, who shall keep a record of all the official acts of the board in a well bound book

**Postponement.**

**Election on any Saturday.**

**Tie.**

**Organization—records.**

provided for that purpose, which record shall be signed by the president and clerk, and shall be submitted to the township treasurer for his inspection and approval on the first Mondays of April and October, and at such other times as the township treasurer may require. The board of directors shall hold regular meetings at such times as they shall designate; and they may hold special meetings, as occasion may require, at the call of the president or any two members, and no official business shall be transacted by the board except at a regular or special meeting. If the president or clerk be absent from any meeting, or refuse to perform his official duties, a president or clerk *pro tempore* shall be appointed. The clerk of each board of school directors shall report to the township treasurer or treasurers of the proper township or townships, immediately after the organization of the board, the names of the president and clerk, and on or before the seventh day of July, annually, such statistics and other information in relation to the schools of their respective districts, as the township treasurer is required to embody in his report to the county superintendent, and the particular statistics to be so reported shall be determined and designated by the State Superintendent of Public Instruction. At the annual election of directors, the directors shall make a detailed report of their receipts and expenditures to the voters there present, a copy of which shall be transmitted to the township treasurer within five days of the time of said election. They shall also report the number and names of persons above the age of twelve years and under twenty-one, residing in the district, who are unable to read and write, and the causes of the neglect to educate them. Directors are authorized to use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records, and the said records shall be kept in a punctual, orderly and reliable manner. They may also, where they deem the amount of labor done, sufficient to justify it, allow out of such funds a compensation to said clerk for duties actually performed. Within ten days after every election of directors the judges shall cause the poll-book to be delivered to the township treasurer, with a certificate thereon, showing the election of said directors and the names of the persons elected; which poll-book shall be filed by the township treasurer, and shall be evidence of said election. In the case of a union district made up of parts of two or more townships the poll-book shall be returned to the township treasurer who receives the tax money of said district. For failure to deliver said poll-book within the time prescribed, the judges shall be liable to the same penalty as is prescribed in section thirty (30), which penalty may be recovered in the same manner as is provided in said section, and when collected shall be added to the district funds. If any trustee or director shall not be an inhabitant

Meetings.

No business  
to be done ex-  
cept at a  
meeting.

Reports.

May compen-  
sate clerk.

Poll-book.

Non-resi-  
dence creates  
a vacancy in  
the office.

itant of the district or township which he represents, an election shall be ordered to fill the vacancy; and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contested in a tract made by the board of which he is a member. [As school con-tract. amended by an act approved June 3, 1879.]

**§ 43.** For the purpose of establishing and supporting free schools for not less than five nor more than nine months in each year, and defraying all the expenses of the same, of every description; for the purpose of repairing and improving school houses; of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses in each district village or city, anything in any special charter to the contrary notwithstanding, the directors of such district and the authorities of such village or city shall be authorized to levy a tax, annually, upon all the taxable property of the district, village or city, not to exceed two per cent. for educational, and three per cent. for building purposes, to be ascertained by the last assessment for State and county taxes. They may also appropriate to the purchase of libraries and apparatus, any surplus funds, after all necessary school expenses are paid.

**Surplus used in purchase of library.** And when any school district shall own any personal property not needed for school purposes, the directors of such district may sell such property at public or private sale, as in their judgment will be for the best interest of

**Sale of personal property.** the district, and the proceeds of such sale shall be paid over to the treasurer of such district for the benefit of said school district: *Provided*, no such sale shall be made until the same, and manner and terms thereof, shall be authorized by vote of the district. [As amended by an act approved June 3, 1879.]

**Certificate of tax levy.** § 44. The directors of each district shall ascertain, as near as practicable, annually, how much money must be raised by special tax for school purposes during the ensuing year which amount shall be certified and returned to the township treasurer, on or before the first Tuesday of August, annually. The certificate of the directors may be in the following form, viz:

Time of return. “We hereby certify that we require the amount of.... [dollars] to be levied as a special tax for school purposes, on the taxable property of our district, for the year 18....

Given under our hands this.... day of..... 18..

A. B. } Directors, district No.... township  
C. D. } No....., range No...., county of  
E. F. } ...., State of Illinois.”

Map.

It shall be the duty of the township treasurer to return said certificates to the county clerk on or before the second Monday of August: and whenever the boundaries of the districts of the township shall have been changed, the township treasurer shall return to the county clerk, with the certificates, a map of the township showing such changes, and certified as required in the thirty-third sec-

tion of this act. When a district lies partly in two or more counties, the directors shall determine and certify the amounts to be levied on the taxable property lying in each county, and return the same to the county treasurer, who shall return them to the respective county clerks, as hereinbefore provided: *Provided*, that in order to determine the amount to be levied on the taxable property of the part of the district lying in each county, the directors shall ascertain from the county clerks of the respective counties in which such district lies, the last ascertained equalized value of the taxable property of such district lying in their respective counties, and shall then ascertain the rate per cent. required, and shall apportion the whole amount to be raised between the several parts of the district so lying in different counties, accordingly. And it shall be the duty of the county clerk of each county to deliver to the directors of such district, on their application a certificate showing the last ascertained equalized value of the taxable property in that part of such district lying in such county. [As amended by an act approved June 3, 1879.]

§ 45. According to the amount certified as aforesaid, the said county clerk when making out the tax books for the collector, shall compute each taxable person's tax in said district, upon the total amount of taxable property as equalized by the State Board of Equalization for that year, lying and being in said district whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies in said district. The said county clerk shall cause each person's tax so computed to be set upon the tax book to be delivered to the collector for that year, in a separate column, against each taxpayer's name or parcel of taxable property, as it appears in said collector's book, to be collected in the same manner and at the same time, and by the [same] persons, as State and county taxes are collected. It shall be the duty of assessors, when making assessments of personal property to designate the number of the school district in which each person so assessed resides; which designation shall be made by writing the number of such district opposite each person's assessment of personal property, in a column provided for that purpose in the assessment roll returned by the assessor to the county clerk. It shall be the duty of the county clerk to copy said numbers of school districts, as returned by the assessor, into the collector's book, and to extend the school tax on each person's assessment of personal property according to the rate required by the amount designated by the directors of the school district in which such person resides. It is hereby made the duty of the proper officers, in preparing blank books and notices for the use of assessors, to provide columns and blanks for the use of assessors as

District in  
two counties.

County clerk  
to compute  
tax.

Collection of  
district tax.

Assessors to  
note district.

Duty of coun-  
ty clerk.

*Tax to be uniform.* above described. The computations of each person's tax, and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, the rate shall be uniform, and shall not exceed that required by the amount certified by the board of directors; and the said county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township treasurer of the respective townships in the county, a

*Certificate of amount due each district.* certificate of the amount due each district, or fraction of a district in his township, of said tax, so levied and placed upon the tax books, and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township treasurer shall present the said certificate of the amount of said tax, and make

*Collector to pay to township treas'r.* a demand therefor, the said collector shall pay to said township treasurer the full amount of said tax so certified by the county clerk, or in case any part thereof remains uncollected, said collector shall, in addition to the amount collected, deliver to said township treasurer a statement of the uncollected taxes for each district of such township, taking of the township treasurer his receipt therefor, which receipt shall be evidence, as well in favor of the collector as against the township treasurer; and said treasurer shall enter the amount collected in his books, under the proper heads, and pay the same out as provided for by this act.

*In districts lying in two or more townships.* When a district is composed of parts of two or more townships, the directors shall determine and inform the collectors of said townships, and the collector or collectors of the county or counties in which said townships lie, in writing under their hands as directors, which of the treasurers of the townships from which their district is formed, shall demand and receive the tax money collected by the said collectors, as aforesaid. [As amended by an act approved June 3, 1879.]

*Failure of collector to pay.* § 46. If any collector shall fail to pay the amount of said tax, or any part thereof, as required in the aforesaid section, it shall be competent for the township treasurer, or other authorized person, to proceed against such collector and his securities in an action of debt in any court of competent jurisdiction; and the said collector, so in default, shall pay twelve per centum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he may be able to so collect such amount.

*Vote necessary for borrowing money.* § 47. For the purpose of building school houses, or purchasing school sites, or for repairing and improving same, the directors, by a vote of the people at an election called and conducted as required in the forty-second (42) section of this act (a majority of the votes cast shall be necessary to authorize the directors to act) may

borrow money, issuing bonds executed by the officers, or at least two members of the board, in sums of not less than one hundred dollars (\$100); but the rate of interest shall not exceed eight per cent., nor shall the sum borrowed in any one year exceed five per cent. (including existing indebtedness) of the taxable property of the district, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness, nor shall the tax levied in any one year for building school houses exceed three per cent. of said taxable property, except to pay indebtedness contracted previous to the passage of this act. All bonds authorized to be issued by virtue of the power granted by this act, before being so issued, negotiated and sold, shall be registered, numbered, and countersigned by the school treasurer of the township wherein the school house of such district is, or is to be located. Such register shall be made in a "bond register" book to be kept for that purpose, and in this register shall first be entered the record of the election, authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority, as to number, date, to whom issued, amount, rate of interest, and when due. All moneys borrowed under authority granted by this section shall be paid into the school treasury of the township wherein the bonds issued therefor are required to be registered; and, upon receiving said moneys, the treasurer shall deliver the bond or bonds issued therefor to the parties entitled to receive the same, and shall credit the funds received to the district issuing the bonds, and enter in the "bond register" the exact amount received for each and every bond issued, and when any such bonds are paid, the township treasurer shall cancel the same, and shall enter in the "bond register," against the record of such bonds the words "paid and canceled this ..... day of ....., A. D. ....," filling the blanks with the day, month and year corresponding with the date of such payment. [As amended by an act approved May 11, 1877; and by an act approved June 3, 1879.]

§ 48. The directors of each district are hereby declared a body politic and corporate, by the name of "school Directors body politic." directors of district No. ...., township No. ...., range ...., county of ....., and the State of Illinois," and by that name may sue and be sued in all courts and places whatever. Two (2) directors shall be a quorum for business. The directors shall be liable as directors for the balance due teachers, and for all debts legally contracted. They shall establish and keep in operation for at least one hundred and ten (110) days of actual teaching in each year, without reduction by reason of closing schools upon legal holidays, or for any other cause, and longer if practicable, a sufficient number of free schools for the accommodation of all children in the dis- Who may attend.

Limit.

Tax limited  
to three per  
cent.—excep-  
tion.Registry of  
bonds.Cancellation  
of bonds.Directors  
body politic.

Quorum.

Liable for  
balances due  
teachers.School year  
one hundred  
and ten days.

trict over the age of six (6) and under twenty-one (21) years, and shall secure to all such children the right and opportunity to an equal education in such free schools.

**Rules and regulations.** They shall adopt and enforce all necessary rules and regulations for the management and government of the schools, and shall visit and inspect the same, from time to time, as the good of the schools may require. They

**To appoint teachers.** shall appoint all teachers, fix the amount of their salaries, and may dismiss them for incompetency, cruelty, negligence, immorality, or other sufficient cause. They shall have power to assign pupils to the several schools.

**To fix branches of study and text books.** They shall direct what branches of study shall be taught, and what text books and apparatus shall be used in the several schools, and strictly enforce uniformity of text books therein, but shall not permit text books to be changed oftener than once in four (4) years. They shall

**Books for poor children.** have power to purchase, at the expense of the district, a sufficient number of the text books used to supply children whose parents are not able to buy them. The text books bought for such purpose shall be loaned only; and the directors shall require the teacher to see that they are properly cared for and returned at the end of each

**Suspension and expulsion.** term of school. They may suspend or expel pupils who may be guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion or

**Children under twelve.** suspension; and may provide that children under twelve (12) years of age shall not be confined in school more than four (4) hours daily. It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build, or move a school house, or to

**Vote of the district required.** levy a tax to extend schools beyond nine (9) months, without a vote of the people at an election called and conducted as required in the forty-second (42d) section of this act; a majority of the votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one locality shall receive a majority of all the votes cast at such election, the directors may, if in their judgment the public interests require it, proceed to select a suitable school house site; and the site so chosen by them shall, in such case, be legal and valid, the same as if it had been determined by a majority of the votes cast; and the

**Land for site taken by condemnation.** site so selected by either of the methods above provided, shall be the school house site for such district; and said district shall have the right to take the same for the purpose of a school house site, either with or without the owner's consent; and in case the compensation to be paid for such site cannot, for any reason, be agreed upon or determined between the school directors and the parties interested in the land taken for such site, then it shall be the duty of the directors of such district to proceed to have such compensation determined in the manner which may be at the time provided by law for the exercise of the right of eminent domain: *Provided*, that no tract of land lying outside the limits of any incorporated

city or village, and lying within forty (40) rods of the dwelling house of the owner of the land, shall be taken for a school site without the owner's consent. [As amended by an act approved June 3, 1879, and by an act approved May 31, 1881.]

#### OF JUDGMENTS AND EXECUTIONS AGAINST BOARDS OF TRUSTEES OR SCHOOL DIRECTORS.

§ 49. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to-wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed by transcript or appeal from a justice of the peace, or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys unappropriated, of said township or district, or, if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township or district, and to enforce obedience to such writ by attachment, or by *mandamus* requiring such board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payments of a judgment, shall be served either on the president or clerk of the board.

#### EXAMINATION AND QUALIFICATIONS OF TEACHERS.

§ 50. No teacher shall be authorized to teach a common school under the provisions of this act, who is not of good moral character, and who does not possess a certificate as required by this section. It shall be the duty of the county superintendent to grant certificates to such persons as may, upon due examination, be found qualified; and said certificates shall be of two grades: those of the first grade shall be valid for two years, and shall certify that the person to whom such certificate is given is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the elements of the natural sciences, the history of the United States, physiology and the laws of health. Certificates of the second grade shall be valid for one year, and shall certify that the person to whom such certificate is given is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography and the history of the United States. The county superintendent may, at his option, renew said certificates at their expiration, by his endorsement there-

Payment compelled.

Qualifications —branches.

Two grades of certificates

Renewal and revocation.

on, and may revoke the same at any time, for immorality, incompetency, or other just cause. Said certificates may be in the following form, viz.:

....., ILLINOIS, ..... 18....  
..... County.

*Form of certificate.* The undersigned, having examined ..... in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the history of the United States, and being satisfied that ..... is of good moral character, hereby certifies that ..... qualifications in the above branches are such as to entitle ..... to this certificate being of the ..... grade, and valid in said county for ..... year from the date thereof, renewable at the option of the county superintendent by his endorsement thereon.

Given under my hand and seal at the date aforesaid.

A. B., *County Superintendent of Schools.*

*Graduates of county normal schools.* In any county in which a county normal school is established, under the control of a county board of education, the diplomas of graduates in said normal school shall, when directed by said board, be taken by the county superintendent as sufficient evidence of qualifications to entitle the holder to a first class certificate. Each county

*Record.* superintendent shall also keep a record, in a book provided for that purpose, of all teachers to whom he grants certificates. Said record shall show the date and grade of each certificate granted, and the name, age and nativity of each teacher; and shall give the names of male and female teachers separately. Said record may be as follows, viz.:

Name.	Age.	Nativity.	Date.	Grade.	Remarks.
Chas. Thompson.	25.	Illinois.	March 1, 1864.	1.	Has taught 5 years

*State certificates.* A copy or transcript of said record shall be transmitted by the county superintendent, with his regular report, to the State Superintendent. The State Superintendent of Public Instruction is hereby authorized to grant State certificates to such teachers as may be found worthy to receive them, which shall be of perpetual validity in every county and school district in the State. But State certificates shall only be granted upon public examination, of which due notice shall be given, in such branches and upon such terms, and by such examiners as the State Superintendent and the principals of the normal universities may prescribe. Said certificates may be revoked by the State Superintendent upon proof of immoral or unprofessional conduct. Every school established under the provisions of this act shall be for the instructions in the branches of education prescribed in the qualifications for

*Kind of schools required.* teachers, and in such other branches, including vocal music and drawing, as the directors or the voters of the district, at the annual election of directors, may prescribe. [As amended by an act approved March 30, 1874.]

*Examinations by county superintendents.* § 51. It shall be the duty of the county superintendents to hold meetings at least quarterly, and oftener if necessary, for the examination of teachers, on such days and at such places in the respective counties as will, in their

opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time, in at least one newspaper of general circulation, the expense of such publication to be paid out of the school fund. The county superintendent shall, in all cases, require the payment of a fee of one dollar from every applicant for examination for a teacher's certificate, and for each renewal of such a certificate, he shall require the payment of a fee of one dollar. All moneys so received, and the registration fees hereinafter provided for, he shall transmit monthly to the county treasurer, to be by him held and designated as the institute fund, and with the same, the county superintendent shall give the treasurer a list of the names of the persons paying such fees. Said fund shall be paid out by the county treasurer, only upon the order of the county superintendent, and only to defray the expenses of the teachers' institutes, which the county superintendent is by this section authorized to hold. The county superintendent shall take vouchers for all payments made out of the institute fund, and he shall render an account of such disbursements with vouchers for the same to the county board at their regular meeting in September, annually. The county superintendent shall hold, annually, a teachers' institute, continuing in session not less than five days, for the instruction of teachers and those who may desire to teach, and with the concurrence of the State Superintendent of Public Instruction, procure such assistance as may be necessary to conduct the same at such time as the schools in the county are generally closed: *Provided*, that two or more adjoining counties may hold an institute together. At every such institute instruction shall be free to such as hold certificates good in the county (or counties, where two or more join to hold an institute) in which the institute is held; but the county superintendent shall require all others attending, to pay him a registration fee of one dollar, except those who have paid an examination fee as required by this act, and failed to receive a certificate. [As amended by an act approved June 3, 1879, and by an act approved June 23, 1883.]

Fee to be charged.

County superintendent to hold teachers' institutes

#### TEACHERS—THEIR DUTIES.

§ 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors of any school district in this State, who shall not, at the time of his employment, have a certificate of qualification, obtained under the provisions of this act, entitling him to teach during the entire term of his contract, nor shall any teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed, and

Must have certificate.

Responsible shall have satisfactorily accounted for the books, apparatus for the property of the district and other property of the district that he may have taken district. in charge. [As amended by an act approved June 3, 1879.]

~~Teachers must keep registers.~~ § 53. Teachers shall keep correct daily registers of their schools, which shall exhibit the name, age and attendance of each pupil, the day of the week, the month and the year. Said registers shall be as nearly as may be in the following form, the absence of each scholar being signified by a mark, the presence by a blank, viz:

REGISTER of a common school kept by A B at ....., in district number ....., in township number ....., range ....., of the ..... principal meridian, in the county of ....., in the State of Illinois.

Total No. of days each school year	
1874.. Friday,	February 9.
1874.. Thursday,	February 8.
1874.. Wednesday,	February 7.
1874.. Tuesday,	February 6.
1874.. Monday,	February 5.
1874.. Friday,	February 2.
1874.. Thursday,	February 1.
1874.. Wednesday,	January 31.
1874.. Tuesday,	January 30.
1874.. Monday,	January 29.
1874.. Friday,	January 26.
1874.. Thursday,	January 25.
1874.. Wednesday,	January 24.
1874.. Tuesday,	January 23.
1874.. Monday,	January 22.
1874.. Friday,	January 19.
1874.. Thursday,	January 18.
1874.. Wednesday,	January 17.
1874.. Tuesday,	January 16.
1874.. Monday,	January 15.

NAMES AND AGES OF SCHOLARS ATTENDING SCHOOL.

	Males.	Females.	Total.
Number of scholars.....	2	2	4

**Average daily attendance** ..... 3,2

Said registers shall be furnished to the teachers by the school directors; and each teacher shall, at the end of his term of school, return his register to the clerk of the school board of the district. Teachers shall make schedules of the names of all scholars under twenty-one (21) years of age attending their schools, in the form prescribed by this act; and when scholars reside in two (2) or more districts, townships or counties, separate schedules shall be kept for each district, township or county. The schedule to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz:

SCHEDULE of a common school kept by....., at....., in district number....., in township number....., range number....., of the.....principal meridian, in the county of....., in the State of Illinois. Names and ages of scholars residing in district number..., in township number....north, range ....west, ....county, who have attended in my school during the time beginning the....day of....., 18.., and ending the.....day of....., 18.., during which time the school was in session.....school days.

Form of  
schedule.

NAMES.	Ages.	Days attended.
John Smith.....	10	15
Isaac Meisler.....	13	11
Sarah Danforth.....	16	20
Mary Newman.....	18	18
Grand total number of days' attendance.....	.....	64

	Males.	Females.	Total.
Number of scholars .....	2	2	4
Average daily attendance.....	.....	.....	3.2

And said teacher shall add up the whole number of days' attendance of each scholar, and make out the grand total number of days' attendance. He shall also note the whole number of scholars, giving the males and females separately, the average daily attendance, and shall set the age of each pupil opposite the name of said pupil, as in form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz:

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct.

A..... B....., Teacher.

When the teacher shall have completed his or her <sup>Teacher to</sup> <sub>deliver</sub> schedule or schedules, as above required, he or she shall <sup>schedule to</sup> <sub>directors.</sub> deliver it to some one (1) of the directors, who shall give the teacher a receipt for the same, and it shall be the duty of said director, in connection with one (1) other director of the board to carefully examine such schedule or schedules, and after correcting all errors, if they shall find such schedule to have been kept according to law, they shall certify to the same, as near as practicable, in the following form, viz:

Certificate of STATE OF ILLINOIS, { ss.  
directors. .... County.

We, the undersigned, directors of (or members of boards of education) in township number....., range number....., in the county aforesaid, certify that we have examined the foregoing schedule and find the same to be correct, and that the school was conducted according to law; that the teacher is paid as per contract.....dollars per.....; that the said teacher has a legal certificate of... grade, and that the property of the district in charge of such teacher has been satisfactorily accounted for.

Witness our hands this.....day of....., 18.....

*Directors.*

Teachers' wages are hereby declared due and payable monthly; and upon certifying to the schedule as afore-

and upon certifying to the schedule as aforesaid, the directors may at once make out and deliver to the teacher an order upon the township treasurer for the amount named in the schedule; which order shall state the rate at which the teacher is paid according to his contract, the limits of the time for which the order pays, and that the directors have duly certified a schedule covering this time, but it shall not be lawful for the directors

Order not to draw an order until they have duly certified to the schedule; nor shall it be lawful for the directors after has been cer- tified. the date for filing schedules, as fixed by law, to certify

the date for filing schedules, as fixed by law, to certify any schedule not delivered to them before that date by the teacher, when such schedule is for time taught before the first of July preceding, nor to give an order in payment of the teacher's wages for the time covered by such delinquent schedule. If any order drawn for the payment of a teacher is presented to the township treasurer for payment, and is not paid for want of funds, the treasurer shall make a written statement over his signature by an endorsement upon such order, with date, showing such presentation and non-payment, and shall make and keep

Unpaid order to draw interest at the rate of eight (8) per cent. per presentation and non-payment, and shall make and keep a record of such endorsement. Such order shall thereafter draw interest at the rate of eight (8) per cent. per

ter draw interest at the rate of eight (8) per cent. per annum, until paid, or until the treasurer shall, in writing, notify the clerk of the board of directors that he has funds to pay such order, and of said notice the treasurer shall make and keep a record; and after giving such notice he shall hold the funds necessary to pay such order until it is presented for payment, and such orders shall draw no interest after the giving of said notice to said clerk of the board. [As amended by an act approved June 3, 1879, and by an act approved May 31, 1881.]

Filing schedule. § 54. Schedules made and certified as aforesaid, and covering all time taught during the school year ending June 30, shall, on or before the seventh day of July, annually, be delivered by the directors to the township

Liability of treasurer; and the directors shall be personally liable to the district for any loss sustained by it through their

failure to examine and deliver to the township treasurer School month all schedules within the time fixed by law. The school

**Holidays.** month shall be the same as the calendar month; but teachers shall not be required to teach upon Saturdays, Sundays, or holidays other than New Year's, February 1st, July

Holidays. Teachers shall not be required to teach upon Saturday, legal holidays—these being New Year's, Fourth of July

and Christmas—and thanksgiving and fast days appointed by the national or state authority; nor shall they be required to make up the time lost by closing school upon such days or upon such special holidays as may be granted the schools by the board of directors. [As amended by an act approved June 3, 1879, and by an act approved May 31, 1881.]

#### TOWNSHIP TREASURER—HIS DUTIES.

§ 55. The township treasurer, appointed by the board of trustees, shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer in township ...., range ...., in .... county, according to law. The bond shall be approved by at least a majority of the board, and shall be delivered by one of the trustees, to the county superintendent of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects; and shall provide for the faithful accounting for, and turning over, of all such bonds, notes, mortgages, moneys and effects, as shall come into his hands while he may act as such treasurer under such appointment to his successor, when appointed and qualified as herein provided by giving bond. The penalty of said bond shall be increased from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require, and whenever in the judgment of the trustees or county superintendent, the security is insufficient. Any and every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz:

STATE OF ILLINOIS, { ss.  
..... County.

Know all men by these presents, that we, A. B., C. D., and E. F., are held and firmly bound, jointly and severally, unto the board of trustees of township..... range ....., in said county, in the penal sum of ..... dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof, we have hereunto set our hands and seals this ..... day of ..... A. D. 18..

The condition of the above obligation is such that if the above bounden A. B., township treasurer of township ....., range ....., in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office, after such successor shall have fully qualified, by giving bond as provided by law, all moneys, books, papers, securities and property which shall come into his hands or control, as such township treasurer, from the date of this bond up to the time that his successor shall

Bond.

Form of bond.

have duly qualified as township treasurer, by giving such bond as shall be required by law, then his obligation to be void; otherwise to remain in full force and virtue.

Approved and accepted by

G. H. }  
L. J. }  
K. L. }

A. B. [SEAL.]  
C. D. [SEAL.]  
E. F. [SEAL.]

[As amended by an act approved June 3, 1879.]

Accounts of  
treasurer.

§ 56. Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom, and on what account received; and credit himself with all moneys paid or loaned, stating the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or, if real estate be taken, a description of the same. He shall also enter, in separate accounts, moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to-wit:

*First.*—The principal of the township fund, when paid in, and when paid out.

*Second.*—The interest of the township fund, when received, and when paid out.

*Third.*—The common school fund and other funds, when received from the county superintendent, and when paid out.

*Fourth.*—The taxes received from the county or town collector, distinguishing between that for general school purposes and that levied for the purpose of prolonging schools.

*Fifth.*—Donations received.

*Sixth.*—Moneys coming from all other sources; and in all cases entering the date when received, and when paid out. And he shall also arrange and keep his books and accounts in such other manner as may be directed by the State or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record, fully and at length, the acts and proceedings of the board, their orders, by-laws and resolutions. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz:

Record of  
notes and  
bonds.

Makers' Names	Date of Note.	When Due.	Amt.	Remarks.
A B, C D, E F.	January 1, 18—.	January 1, 18—.	\$90 00	January 6th, 18—. handed to I. J., for collection, (or Janu- ary 6th, 18—, paid.)

All the books and accounts of the treasurer shall at all times be subject to the inspection of the trustees, directors or other person authorized by this act, or by any committee appointed by the voters of the township, at the annual election of trustees, to examine the same.

§ 57. Township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than six (6) per cent. nor more than eight (8) per cent. per annum, payable half-yearly in advance, the rate of interest to be determined by a majority of the township trustees, at any regular or special meeting of their board. No loans shall be made for less than six (6) months, or more than five (5) years. For all sums not exceeding one hundred dollars (\$100), loaned for not more than one (1) year, two (2) responsible sureties shall be given; for all sums over one hundred dollars (\$100), and for all loans for more than one (1) year, security shall be given by mortgage on real estate, unencumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section forty-seven (47) of this act. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however*, that notes, bonds, mortgages and other securities, in which the name of the county superintendent or of the trustees of schools are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees, as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act. Where there is a surplus of funds in the treasurer's hands belonging to any school district, he may loan the same for the use and benefit of said district, upon the written request of the directors of such district, and not otherwise; and all such loans shall be on the same conditions as are prescribed in this section for the loaning of township funds. The township treasurer shall, on or before the thirtieth (30th) day of September, annually, prepare and deliver to the county superintendent of his county a statement, verified by affidavit, showing the exact conditions of loans.

*School bonds  
may be taken.*

*Securities to  
run to board  
of trustees.*

*Surplus dis-  
trict funds  
may be loan'd*

*Township  
treasurer to  
give county  
superintend-  
ent a statem't  
of loans.*

tion of the township funds. Said statement shall contain a description of the securities, bonds, mortgages and notes belonging to the township, giving the names of securities, dates, amounts of loan, rate of interest, when due, and all data by which a full understanding of the conditions of the funds may be obtained. The county superintendent shall preserve said statement for the use of the township. [As amended by an act approved June 3, 1879, and by an act approved May 31, 1881.]

§ 58. Mortgages to secure the payment of money loaned under the provisions of this act may be in the following form, viz:

**Form of mortgage.** I, A B, of the county of \_\_\_\_\_ and State of \_\_\_\_\_, do hereby grant, convey and transfer to the board of trustees of township \_\_\_\_\_, range \_\_\_, in the county of \_\_\_\_\_, and State of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premise.) Which real estate I declare to be in mortgage for the payment of \_\_\_\_\_ dollars, loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of \_\_\_\_\_ per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in \_\_\_\_\_ years from the date hereof, and to pay interest on the same at the rate aforesaid, half-yearly in advance. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required, in writing, by said board of trustees; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises: and we, A B, and C, wife of A B, hereby release all right to the said premises which we may have by virtue of any homestead laws of this State; and in consideration of the premises, C, wife of said A B, doth hereby release to the said board all her right and title of dower in the aforegranted premises, for the purposes aforesaid. In testimony whereof, we have hereunto set our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_\_.  
 A B. [SEAL.]  
 C D. [SEAL.]

Which mortgage shall be acknowledged and recorded, as is required by law for other conveyances of real estate, the mortgagor paying the expenses of acknowledgment and recording.

**Action on mortgage.** § 59. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment as aforesaid, shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

**Additional security.** § 60. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon to the date of judgment: *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness,

**Preference given to debts due to school fund.**

not including the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice, upon the proper day, as other creditors, and have any debts, as aforesaid, probated and classed, to be paid as aforesaid.

§ 61. If default be made in the payment of interest due upon money loaned by any county superintendent or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the board of trustees, for the recovery of the half yearly interest, when due and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction of such cases of all sums of two hundred dollars.

§ 62. All suits brought, or actions instituted, under the provisions of this act, may be brought in the name of the "board of trustees of township . . . . . , range . . . . . , " except as is provided for action *qui tam* in this act, or in favor of county superintendents. The township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township fund loaned at interest; and if, on the first Monday in October in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount, not required, as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

§ 63. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half yearly meeting, on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages and all other evidences of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office. He shall make out, annually, and present to the board of trustees at their meeting succeeding the annual election, a complete exhibit of the fiscal affairs of the township, and of the several districts or parts of districts in the township, showing the receipts of moneys, and the sources from which they have been derived, and the deficit and

Default in payment—

Penalty.

Action to recover interest

Manner of bringing suits

Duties of township treasurer.

Semi-annual statement to trustees.

Annual exhibit.

Statement to  
the districts.

delinquencies, if there be any, and the cause, as well as a classified statement of moneys paid out, the amount of obligations remaining unpaid. And he shall, within two days after the first Monday of April and of October in each year, make out for each district or part of district in the township, a statement or exhibit of the exact condition of the account of such district or part of district; which statement or exhibit shall show the balance at the time of making the last exhibit and the amount received since up to the time of making the exhibit, and when and from what source received; it shall also show the amount paid out during the same time, to whom paid and for what purpose; it shall be balanced and balance shown. The exhibit shall be subscribed and sworn to by the treasurer before any officer authorized to administer an oath, and shall then, by the treasurer be, without delay, delivered or transmitted by mail to the clerk, of the board of directors of the proper district, and it shall be the duty of said clerk upon receiving such exhibit, to enter the same upon the records of the district; and at the next annual election of directors thereafter, the directors shall

Exhibit to cause a copy of such exhibits to be posted up at the front door where such election is held: *Provided*, that the first exhibit, made under the requirements of this act, shall be made within two days after the first Monday of October, 1879, and shall commence with the balance on the first Monday in April, 1879. And for a failure on the part of the treasurer, clerk of any board of directors, or any director to comply with any of the requirements of this section, required of him, he shall be liable to penalty of not less than five dollars nor more than fifty dollars, to be recovered before any justice of the peace of the county in which the offense is committed: *Provided, further*, that it shall be the duty of said treasurer to comply with any demand the said trustees may make as to the verification of any balance reported to be on hand. [As amended by an act approved June 3, 1879.]

Treasure li-  
able for fail-  
ure.

§ 64. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the board of trustees upon his bond, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of the said board, aforesaid, or those of them voting for said requisition or order, aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by an action of assumpsit, in the official name of the county superintendent of schools, for the use of the proper township.

Not liable  
when acting  
under orders  
of board.

§ 65. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever; and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section, he shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in nowise discharge or diminish the obligation of his official bond.

Bonds, securities, etc..  
to be turned over to successors.  
Penalty and judgment.

#### TOWNSHIP AND COUNTY SCHOOL FUNDS.

§ 66. All bonds, notes, mortgages, moneys and effects, which have heretofore accrued, or may hereafter accrue from the sale of the sixteenth section of the common school lands of any township or county, or from the sale of any real estate or other property, taken on any judgment or for any debt due to the principal of any township or county fund, and all other funds of every description, which have been, or may hereafter be carried to and made part of the principal of any township or county fund, by any law which has heretofore been, is now, or may hereafter be enacted, are hereby declared to be and shall forever constitute the principal of the township or county fund, respectively, and no part thereof shall ever be distributed or expended for any purpose whatever, but shall be loaned out, and held to use, rent or profit, as provided by law. But the interest, rents, issues and profits, arising and accruing from the principal of said township or county fund, shall be distributed in the manner and at the times as provided in this act; nor shall any part of such interest, rents, issues and profits be carried to the principal of the respective funds, except as provided in section sixty-two of this act.

Sale of sixteenth section.

Principal of towns'p fund.

Interest distributed.

§ 67. School funds collected from special taxes, levied by order of school directors, or from the sale of property belonging to any district, shall be paid out on the order of the proper board of directors; and all other moneys and school funds, liable to distribution, paid into the township treasury, or coming into the hands of the township treasurer, shall, after said funds shall have been apportioned by the township trustees, as required in section thirty-four of this act, be paid out only on the order of the proper board of directors, signed by the president and clerk of said board, or by a majority of said board. But when a district is composed of parts of two or more town- Moneys paid out upon orders.

Union districts.

Receipts to  
be taken.

ships, the township treasurer or treasurers who do not receive the tax-money of said district, shall, when they hold any funds belonging to said district, notify the directors thereof of the amount of such funds; and the directors shall thereupon give the treasurer who receives the tax-money of said district, an order for such funds, and upon receipt thereof he shall hold them, to be paid out as aforesaid. For all payments made, receipts shall be taken and filed. In all such orders, shall be stated the purpose for which, or on what account drawn. Said orders may be in the following form, viz:

Form of order, — The treasurer of ..... township No. ...., range No. ...., in ..... county, will pay to ..... or bearer, ..... dollars and ..... cents [on his contract for repairing school house, or whatever the purpose may be].

By order of the board of directors of school district No. ...., in said township.

A B, President.  
C D, Clerk.

Which order, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer: *Provided*, that when an order is paid in full, such order, if properly endorsed by the person in whose favor it was drawn and his assigns, if any, or by the person to whom paid, if drawn payable to bearer, shall be a sufficient receipt, for the purposes of this section. [As amended by an act approved June 3, 1879.]

Two-mill  
tax, etc.

§ 68. \*The common school fund of this State shall consist of the proceeds of a two-mill tax, to be levied upon each dollar's valuation of the property in the State, annually, until otherwise provided by law; the interest on what is known as the School Fund Proper, being three per cent. upon the proceeds of the sales of the public lands in this State, one-sixth part excepted; and the interest on what is known as the Surplus Revenue, distributed by act of Congress, and made a part of the common school fund by act of the Legislature, March 4, 1837.

State to pay  
interest.

§ 69. The State shall pay the interest mentioned in the next preceding section at the rate of six per cent. per annum, annually, to be paid into and become part of said school fund.

Auditor to  
make a divi-  
dend and is-  
sue warrants.

§ 70. \*On the first Monday in January, in each and every year next after taking the census of the State, the auditor of public accounts shall ascertain the number of children in each county in the State, under twenty-one

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\* In section one of an act to provide the necessary revenue for State purposes, approved May 3, 1873, it was provided that there should be levied "for State school purposes, to be designated State School Fund (in lieu of the two mill tax therefor) \$1,000,000 annually." By the twenty-third clause of the act making appropriations the same year for the expense of the State government, this amount was appropriated to the counties from the State school fund, and the Auditor was authorized to "issue his warrant, on the proper evidence that the amount distributed had been paid to the county school superintendent." Substantially the same course has been taken by the subsequent General Assemblies.

years of age, and shall thereupon make a dividend to each county of the sum from the tax levied and collected under the provisions of the sixty-eighth section of this act, and of the interest due on the school fund proper and surplus revenue, in proportion to the number of children in each county under the age aforesaid, and issue his warrant to the superintendent of schools of each county upon the collector thereof. And upon presentation of said warrant by the county superintendent to the collector of his county, said collector or treasurer shall pay over to the county superintendent the amount of said warrant out of the first funds which may be collected by him, and not otherwise appropriated by law, taking said superintendent's receipt therefor. The warrants issued by the Auditor of Public Accounts for the school fund tax and for the interest of the school fund proper and surplus revenue, shall be received by the State Treasurer in payment of amounts due to the State from county collectors; and on presentation by the State Treasurer of said warrants to the Auditor, he shall issue his warrant to said Treasurer on the school fund for the amount of the school fund tax warrants and on the revenue fund for the amount of the warrants for interest on the school fund proper and surplus revenue. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county, annually thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census: *Provided*, that if any collector shall fail or refuse to pay the amount of the aforesaid warrant, or any part thereof, by the first day of March, annually, or so soon thereafter as it may be presented, it shall be competent for the county superintendent to proceed against said collector and his securities in an action of debt, in any court having competent jurisdiction; and the said collector shall pay twelve per centum, to be assessed as damages, upon the amount due, and which shall be included in the judgment obtained against him.

State treasurer to receive warrants from collectors.

Refusal of collectors to pay.

#### COMPENSATION OF OFFICERS.

§ 71. \*Collectors of the two mill tax, authorized under, section sixty-eight of this act, shall be entitled to such compensation as is or may be provided by law for the collection of taxes. County superintendents of schools shall hereafter receive, in full for all services performed by them, such compensation as is or may be fixed by law. Said compensation shall be payable quarterly, out of the county treasury, upon the order of the county clerk; and county boards are authorized to make appropriations for the holding of county teachers institutes.

Appropriations for institutes.

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\* See note at foot of preceding page.

<sup>Compensa-</sup> § 72. Township treasurers shall receive, in full for their services, a compensation, to be fixed prior to their election, by the board of trustees. Trustees of schools, school directors or other school officers performing like duties, shall be exempted from road labor and from military duty.\*  
<sup>Exemption.</sup>

#### LIABILITIES OF OFFICERS.

<sup>Liable to in-</sup> § 73. If any county superintendent, trustee of schools, township treasurer, director or any other person in-  
<sup>dictment and</sup> trusted with the care, control, management or disposition  
<sup>imprison-</sup> of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds, or any portion thereof, to his own use, he shall be liable to indictment, and, upon conviction shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one or more than twelve months, at the discretion of the court.

<sup>Trustees lia-</sup> § 74. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from town-  
<sup>ble for securi-</sup> ship treasurers; and in case of judgment against said  
<sup>ties of town-</sup> treasurers and their securities, for or on account of any default of such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees jointly or severally, and the amount not collected on said judgment shall be recovered with costs:  
<sup>ship treasur-</sup> *Provided*, that if said trustees can show, satisfactorily, that the security taken from the treasurer as aforesaid was, at the time of said taking, good and sufficient, they shall not be liable as aforesaid.  
<sup>ers.</sup>

<sup>Real estate</sup> § 75. The real estate of county superintendents, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said superintendents and treasurers and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any superintendent, treasurer or other officer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.  
<sup>of school offi-</sup>

<sup>cers bound.</sup> Lien. § 76. Trustees of schools, or either of them, failing or refusing to make returns of children in their township, according to the provisions of this act, or if either of

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\*For repeal of this exemption in counties not under township organization, see Laws of 1873, p. 158, sec. 34; p. 159, sec. 37, and p. 162, sec. 57.

them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars, to be recovered by action of assumpsit, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund; and if any county superintendent, director or trustee, or either of them, or other officer whose duty it is, shall negligently or willfully fail or refuse to make, furnish or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of this act, such delinquent or party offending shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information, in the name of the People of the State of Illinois, and when collected to be paid to the county superintendent of the proper county, for the use of schools; and any director failing to perform his duties as director, under this act, may be removed by the county superintendent, and a new election ordered, as in other cases of vacancy.

§ 77. County superintendents, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered in a civil action before any court having jurisdiction thereof, at the suit of the State of Illinois, for the use of the county, township or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township or fund injured. No county, city, town, township, school district or other public corporation, shall ever make any appropriations or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money or other personal property ever be made by any such corporation to any church, or for any sectarian purpose; and any officer or other person, having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section, shall be liable to indictment, and upon conviction shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one or more than twelve months, at the discretion

Fine of  
twenty-five  
dollars.

County su-  
perintendent  
may remove  
director.

Officers re-  
sponsible for  
loss of funds.

Perversion  
of funds to  
sectarian pur-  
poses forbid-  
den.

of the court. No teacher, State, county, township or district school officer, shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used

Interest in  
school books,  
etc.

or to be used in any school in this State with which such officer or teacher may be connected, and for offending against the provisions of this section shall be liable to indictment, and upon conviction shall be fined in the sum not less than twenty-five nor more than five hundred dollars, and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

Penalties.

#### COSTS, TENURE OF OFFICERS AND CONTRACTS UNDER FORMER LAWS.

§ 73. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be unsuccessful in such suit.

Costs not to  
be charged.

#### OF CITIES AND INCORPORATED TOWNS.

Special acts  
not repealed.

§ 79. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than one hundred thousand inhabitants, or incorporated towns, townships or districts, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, township or district, having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the fifteenth day of August preceding each regular session of the General Assembly of this State, or annually, if required so to do by the State Superintendent, to make out and render a statement of all such statistics and other information in regard to schools and the enumeration of persons as is required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county superintendent or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education, or other officer or person of any township, city or incorporated town, unless a report of the number of persons and other statistics relative to schools, and a statement of such other information as is required of the board of trustees or directors as aforesaid, and of other school officers and teachers, under the provisions of this act shall have been filed

Réports.

Penalty.

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\*Should be fifteenth of July.

at the time or times aforesaid, specified in this section, and the superintendent of schools of the proper county, as aforesaid. It shall also be the duty of the president, principal or other proper officer of every organized university, college, seminary, academy, or other literary institution heretofore incorporated or hereafter to be incorporated in this State, to make out or cause to be made out and forwarded to the office of the Superintendent of Public Instruction on or before the fifteenth day of August in each year, a report setting forth the amount and estimated value of real estate owned by the corporation; the amount of other funds and endowments, and the yearly income from all sources; the number of instructors; the number of students in the different classes; the studies pursued and the books used; the course of instruction; the terms of tuition, and such other matters as may be specially requested by said Superintendent, or as may be deemed proper by the president or principal of such institutions, to enable the Superintendent of Public Instruction to lay before the legislature a fair and full exhibit of the affairs and conditions of said institutions and of the educational resources of the State. [As amended by an act approved June 3, 1879.]

§ 80. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated, and be subject to the general provisions of the school law, except as otherwise provided in this section. In all school districts having a population of not less than two thousand inhabitants, and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of six members and three additional members for every additional ten thousand inhabitants, to be elected in the manner provided by section forty-two of this act for the election of school directors. At the first election of directors succeeding the passage of this act, in any district having a population of not less than two thousand inhabitants by the census of 1870, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than two thousand inhabitants, at the first election of directors occurring after taking such special or general census, there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and rights and causes of action existing or vested in such directors shall vest in said board of education in as full and complete a manner as was vested in the school directors. Such board, at its first meeting, shall fix, by lot, the terms of office of its members, so that one-third shall serve for one year, one-third for two years, and one-third for three

<sup>Term of office.</sup> years; and thereafter one-third of the members shall be elected annually, on the first Saturday in April, to fill the vacancies occurring, and to serve for the term of three years. Such board shall have power, and it shall be their duty, in addition to or exclusive of the powers and duties of school directors:

*First.*—To establish and support free schools not less than six nor more than ten months in each year.

*Second.*—To repair and improve school houses, and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

*Third.*—To buy or lease sites for school houses, with the necessary grounds.

*Fourth.*—To establish schools of different grades, and make regulations for the admission of pupils into the same.

*Fifth.*—To levy a tax annually upon the taxable property of the district, in the manner provided by section forty-four of this act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be lawful for such board of education to purchase or locate a school house site, to purchase, build or move a school house, or levy a tax to extend schools beyond the period of ten months in each year, except upon petition of a majority of the voters of the district.

*Sixth.*—To examine and employ teachers, and fix the amount of their salaries.

*Seventh.*—To employ, should they deem it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, and fix and pay a proper salary or salaries therefor; and such superintendent may be required to act as principal or teacher in such schools.

*Eighth.*—To lay off and divide the district into sub-districts, and from time to time to alter the same, create new ones and consolidate them.

*Ninth.*—To visit all the public schools as often as once a month, to inquire into the progress of scholars, and the government of the schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever, in their opinion, he or she is not qualified to teach, or whenever from any cause the interests of the schools may, in their opinion, require such removal or dismission. They shall have power to apportion the scholars to the several schools. It shall be the duty of the board of education to establish all such by-laws, rules and regulations for the government, and for the establishment and maintenance of a proper and uniform system of discipline

in the several schools, as may, in their opinion, be necessary. It shall be the duty of said board to take charge of the school houses, furniture, ground, and other property belonging to the district, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel and such other necessaries for the schools as, in their opinion, may be required in the school houses or other property belonging to the district. The said board shall appoint a president (who shall be one of their own number) and a secretary, and provide themselves with a well bound book, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken, and entered on the records of the proceedings of the board upon all question involving the expenditure of money. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular or special meeting of the board. The board of education shall annually prepare and publish in some newspaper, or in pamphlet form, a report of the number of pupils instructed in the year preceding, the several branches of education pursued by them, of the number of persons between the ages of twelve and twenty-one unable to read and write, and the receipts and expenditures of each school, specifying the source of such receipts and the object of such expenditures. All conveyances of real estate shall be made to the township trustees, in trust for the use of schools, and no conveyance of any real estate or interest therein, used for school purposes or held in trust for schools, shall be made except by the board of trustees, upon the written request of such board of education. All moneys raised by taxation for school purposes or received from the State common school fund or from any other source for school purposes, shall be held by the township treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants signed by the president and secretary thereof. Any city, incorporated town, township or district in which the free schools are now managed under any special act; may, by vote of its electors, cease to control such schools under such special act, and become a part of the school township in which it is situated, and subject to the control of the trustees thereof, under and according to the provisions of this act. Upon petition of fifty voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board at the next ensuing election to be held in such city, town, township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof by posting not less than five notices in the most public places in such city, town, township or district, the question of "Organization under the Free School Law;" and if it shall appear, on a can-

Yea's and  
nays.

Report to be  
published.

Township  
treasurer to  
have charge  
of funds.

Special  
school acts  
may be relin-  
quished.

Organization  
under this act

vass of the returns of said election, that a majority of the votes cast at such election are "For Organization under the Free School Law," then at the next ensuing regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to redistrict the township or townships as aforesaid, in such manner as shall suit the wishes and convenience of a majority of the inhabitants in their respective townships, and to make division of funds and other property in the manner provided by section thirty-three of this act, and at the next ensuing election of director, directors or a board of education, as the case may be, shall be elected in each of the new districts so formed, as provided in section forty-two of this act.

*Cities of 100,000.* In cities having a population exceeding one hundred thousand inhabitants, the board of education shall have charge and control of the public schools in such cities, and shall have power, with the concurrence of the city council—

*First.*—To erect or purchase buildings suitable for school houses, and keep the same in repair.

*Second.*—To buy or lease sites for school houses, with the necessary grounds.

*Third.*—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

*Power of the board.* The board of education shall have power—

*First.*—To furnish schools with the necessary fixtures, furniture and apparatus.

*Second.*—To maintain, support and establish schools, and supply the inadequacy of the school funds, for the salaries of school teachers, from school taxes.

*Third.*—To hire buildings or rooms for the use of the board.

*Fourth.*—To hire buildings or rooms for the use of schools.

*Fifth.*—To employ teachers and fix the amount of their compensation.

*Sixth.*—To prescribe the school books to be used, and the studies in the different schools.

*Seventh.*—To lay off and divide the city into school districts, and from time to time to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be necessary or deemed expedient for such purpose. Schools in such cities shall be governed as hereinafter stated, and no power given to the board shall be exercised by the city

council. The board of education shall have the entire superintendence and control of the schools, and it shall be their duty to examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates thereof gratuitously; to visit all the public schools as often as once a month; to inquire into the progress of scholars, and the government of the schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner; to prescribe what studies shall be taught, what books and apparatus shall be used. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever in their opinion he or she is not qualified to teach, or whenever from any cause the interests of the school may, in their opinion, require such removal or dismissal. They shall have power to apportion the scholars to the several schools. It shall be their duty to establish all such by-laws, rules and regulations for the government and for the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may, in their opinion, be necessary. They shall determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation. It shall be the duty of the said board to take charge of the school houses, furniture, ground and other property belonging to the school districts, and see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel and such other necessaries for the schools as in their opinion may be required in the school houses or other property belonging to said districts. The said board shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employes as such board shall deem necessary, and shall prescribe their duties and compensation and terms of office; and the said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken, and entered on the records of the proceedings of the board, upon all questions involving the expenditure of money. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular meeting of the board. It shall be the duty of the board to report to the city council, from time to time, any suggestion that they deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of such schools and districts. The board of education shall prepare and publish an annual report, which shall include the receipts and expenditures of each school,

Yea<sup>s</sup> and  
nays.

Report.

specifying the source of such receipts, and the object of such expenditures. They shall also communicate to the city council, from time to time, such information within their possession as may be required. They shall have power to lease school property and to loan moneys belonging to the school fund; but all conveyances of real estate shall be made to the city in trust for the use of schools, and no sale of real estate or interest therein used for school purposes or held in trust for schools, shall be made except by the city council, upon the written request of such board of education. All moneys raised by taxation for school purposes, or received from the State common school fund, or from any other source for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk; but said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the State common school fund, the rental of school

<sup>City tréas-</sup>  
urer to hold  
funds.

mon school fund, or from any other source for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk; but said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the State common school fund, the rental of school

<sup>City not lia-</sup>  
ble for excess  
<sup>of expendi-</sup>  
tures.

lands, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure, the city shall not, in any case, be liable therefor.

<sup>Appointmen-</sup>  
t. From and after the time this act shall take effect, the board of education in such cities shall consist of fifteen members, to be appointed by the mayor by and with the advice and consent of the common council, five of whom shall be appointed for the term of one year, five for the term of two years, and five for the term of three years; and at the expiration of the term of any members of said board, their successors shall be appointed in like manner. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council, for the unexpired term. Any person having resided in such city more than five years next preceding his appointment, shall be eligible to said office.

<sup>Not author-</sup>  
ized to tax.

Nothing herein shall be so construed as to authorize any board of education to levy or collect taxes, or to require the city council to levy and collect any tax upon the demand or under the direction of such board of education.

#### COMMON SCHOOL LANDS.

Section sixteen. § 81. Section number sixteen in every township granted to the State by the United States for the use of schools, and such sections and parts of sections as have been or may be granted, as aforesaid, in lieu of all or part of section number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen, or where such section shall not contain the proper proportion for

the use of schools in such fractional townships, shall be held as common school lands; and the provisions of this act referring to common school lands, shall be deemed to apply to the lands aforesaid.

§ 82. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all or a greater portion of said lands. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log, standing or being upon any school lands, such person shall forfeit and pay for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by action of *qui tam*, in the name of any person who will first sue for the same—one-half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor. All penalties and fines collected under the provisions of this section shall be paid to the township treasurer, and be added to the principal of the township fund. And all other fines, penalties and forfeitures imposed or incurred in any of the courts of record, or before any justice of the peace of this State, except fines, forfeitures and penalties incurred or imposed in incorporated towns or cities, for the violation of the by-laws or ordinances thereof, shall, when collected, be paid to the school superintendent of the county wherein such fines, forfeitures and penalties have been imposed or incurred, who shall give his receipt therefor; and the same shall be distributed by said superintendent, annually, in the same manner as the common school funds of the State are distributed; and it shall be the duty of the State's attorneys of the several judicial circuits to enforce the collection of all fines, forfeitures and penalties imposed or incurred in the courts of record in their several circuits, and to pay the same over to the school superintendents of the counties wherein the same have been imposed or incurred, retaining therefrom the fees and commissions allowed them by law; and it shall be the duty of the said justices of the peace to enforce the collection of all fines imposed by them, by any lawful means; and when collected, the same shall be paid by the officer

Trespass on  
school lands.

Penalty.

Fines and  
forfeitures.

Duty of  
State's attorney.

charged with the collection thereof to the school superintendent of the county in which the same was imposed. Clerks of said courts of record, State's attorneys and justices of the peace, shall report, under oath, to the school superintendent of their respective counties, by the first of March, annually, the amount of such fines, penalties and forfeitures imposed or incurred in their respective courts, and the amount of such fines, forfeitures and penalties collected by them, giving each item separately; and the officer charged with the collection thereof, and said clerks,

~~Penalty for failure to report.~~ State's attorneys and justices of the peace, for a failure to make such report, shall be liable to a fine of twenty-five dollars for each offense, to be recovered in a civil action, at the suit of the school superintendent of the

~~Penalty for failure to pay over fines collected.~~ proper county. For a failure to pay any such fines, forfeitures or penalties, on demand, to the person who is by law authorized to receive the same, the officer having collected the same, or having the same in his possession, shall forfeit and pay double the amount of such fine, penalty or forfeiture, as aforesaid, to be recovered before any court having jurisdiction thereof, in a *qui tam* action—one-half to be paid to the informer and one-half to the school fund of the proper county.

#### SALE OF COMMON SCHOOL LANDS.

~~Petition for sale.~~ § 83. When the inhabitants of any township, or fractional township, shall desire the sale of the common school lands of the township, or fractional township, they shall present a petition to the county superintendent of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the legal voters of the township, or fractional township, of and over twenty-one years of age. The signing of the petition must be in the presence of two citizens of the township, after the true meaning thereof shall have been explained; and when signed, an affidavit shall be fixed thereto by the two citizens proving the signing, in the manner aforesaid, and stating the number of inhabitants in the township, or fractional township, of and over twenty-one years of age; and said petition, so proved, shall be delivered to the county superintendent for his action thereon: *Provided*, that no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of two hundred to six hundred and forty, but not before.

~~Fractional townships.~~ § 84. Any fractional township not having the requisite number of inhabitants to petition for the sale of the school lands therein, as provided in section eighty-three, which has not heretofore been united with any other township

for school purposes, and which does not contain a sufficient number of inhabitants to maintain a free school, is hereby attached to the adjacent congressional township having the longest territorial line bordering on such fractional township, for school purposes; and all the provisions of this act shall apply to such united townships the same as though they were one and the same township.

§ 85. When the petition and affidavits are delivered to the county superintendent, as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots, of such form and quantity as will produce the largest amount of money. After making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained. Said trustees shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot, if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the county superintendent, and shall govern him in advertising and selling said lands.

§ 86. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal, and all such roads, streets and alleys public highways.

§ 87. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the county superintendent the amount of his bid, for any period not less than one nor more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided by this act.

§ 88. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to be made on the premises; and upon the reception by the county superintendent of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale in lots, as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein, for four weeks before the day of sale; if none, then it shall be sold under the notice aforesaid.

Trustees to divide land into lots.

Plat.

Valuation,

Size of lot.

Roads and streets.

Place of sale.

Notices.

<sup>Manner o f</sup> <sup>sale.</sup> § 89. Upon the day appointed, the county superintendent shall proceed to make sales as follows, viz: He shall begin at the lowest number of lots, and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Sale shall be made between the hours of ten o'clock A. M. and six o'clock P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it.

<sup>Payment.</sup> § 90. Upon closing the sales each day, the purchasers shall each pay or secure the payment of the purchase money, according to the terms of sale; or, in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall again be offered at public sale on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the county superintendent may forthwith institute an action of debt or assumpsit, in his name, as superintendent, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

<sup>Lands may be re-sold.</sup> § 91. All lands [not] sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and county superintendents are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they are offered at public sale.

<sup>Unsold lands to be re-valued.</sup> § 92. In all cases where common school lands have been heretofore valued, and have remained unsold for two years, after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered in book A, of the county superintendent, and cause a new valuation to be made, if, in their opinion, the interest of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the county superintendent a plat of such second valuation, with the order of vacation, to be entered as aforesaid; whereupon, said county superintendent shall proceed in selling said lands in all

respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition as provided in this act.

§ 93. Upon the completion of every sale by the purchaser, the county superintendent shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and price paid therefor; which certificate shall be evidence of the facts therein stated.

§ 94. At the first regular term of the county board, in each year, the county superintendent shall present to the county board of his county:

*First.*—A statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B).

*Second.*—Statements of the amount of money received, paid, loaned out and in hand, belonging to each township or fund under his control—the statement of each fund to be separate.

*Third.*—Statements copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated on the loan book.

All of which the county board shall thereupon examine and compare with the vouchers. And the said county board, or so many of them as may be present at the term of the court, shall be liable, individually, to the fund injured, and to the securities of said county superintendent, in case judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them, required of them by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said county superintendent from any liability as such securities, but they shall still be liable to the fund injured, the same as if the county superintendents were not liable.

§ 95. The county superintendent shall, also, at the time aforesaid, transmit to the Auditor of Public Accounts a full and exact transcript, from book B, of all the sales made subsequent to each report. The statement required to be presented to the county board shall be preserved and copied by the clerk of said court into a well-bound book kept for that purpose; and the list transmitted to the Auditor shall be filed, copied and preserved in like manner.

§ 96. Every purchaser of common school land shall be entitled to a patent from the State, conveying and assuring the title. Patents shall be made out by the Auditor, from returns made to him by the county superintendent. They shall contain a description of the land granted, and shall be in the name of and signed by the

No petition required.

Certificate of purchase.

Statement of sales.

Duties of the county board.

Securities not exempt.

Transcript sent to auditor.

Patents.

Certificate to  
be filed.

Evidence of  
sale.

Duplicates of  
certificates of  
patents.

Acts repealed

Governor, countersigned by the Auditor, with the great seal of the State affixed thereto by the Secretary of State, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the Auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the county superintendent of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase; which certificate, when returned, shall be filed and preserved by the county superintendent; and all such patents, heretofore or hereafter so issued by the State for school lands, or duly certified copies thereof from any record legally made, shall, after the lapse of ten years from the date of such patent, and such sale having been acquiesced in for ten years by the inhabitants of the township in which the land so conveyed may be situated, be conclusive evidence as to the legality of the sale, and that the title to such land was, at the date of the patent, legally vested in the patentee.

§ 97. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase and of patents, upon filing affidavit with the county superintendent in respect to certificates, and with the Auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of the originals.

“An act to establish and maintain a system of free schools,” approved February 16, 1857; “An act to establish and maintain a system of free schools,” approved February 22, 1861; “An act to establish and maintain a system of free schools in the State of Illinois,” approved February 16, 1865; “An act to amend an act entitled ‘An act to establish and maintain a system of free schools in the State of Illinois,’ approved February 16, 1865,” approved February 28, 1867; “An act to amend the school law,” approved March 30, 1869; “An act relating to assessments and taxation in school districts,” approved March 29, 1869; “An act concerning reports of school officers and of incorporated institutions of learning,” approved March 29, 1869; and all other acts and parts of acts inconsistent with this act, and all general school laws of this State, are hereby repealed. [Approved April 1, 1872.]

## ADDITIONAL ACTS PERTAINING TO THE PUBLIC SCHOOLS AND TO SCHOOL OFFICERS.

### WOMEN AS SCHOOL OFFICERS.

*AN ACT to authorize the election of women as school officers.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That any woman, married or single, of the age of twenty-one years and upwards, and possessing the qualifications prescribed for men, shall be eligible to any office under the general or special school laws of the State.*

§ 2. *That any woman elected or appointed to any office under the provisions of this act, before she enters upon the discharge of the duties of the office, shall qualify and give bond as required by law, and such bond shall be binding upon her and her securities.* [Approved April 3, 1873.]

### RIGHTS OF COLORED CHILDREN.

*AN ACT to protect colored children in their rights to attend public schools.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all directors of schools, boards of education, or school officers, whose duty it now is, or may be hereafter, to provide in their respective jurisdictions, schools for the education of all children between the ages of six and twenty-one years, are prohibited from excluding, directly or indirectly, any such child from such school on account of the color of such child.*

§ 2. *Any such school officer or officers as are mentioned in the foregoing section, or any other person, who shall exclude, or aid in the exclusion from the public schools [of] any child who is entitled to the benefits of such school, on account of such child's color, shall be fined, upon conviction, in any sum not less than five nor more than one hundred dollars each, for every such offense.*

§ 3. *Any person who shall, by threats, menace or intimidation, prevent any colored child entitled to attend a public school in this State from attending such school, shall, upon conviction, be fined in any sum not exceeding twenty-five dollars.* [Approved March 24, 1874.]

*Menace and  
intimidation.*

## CHARITABLE INSTITUTIONS.

*AN ACT to regulate the State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency.*

[Only a single section of this act is printed here.]

**Visitation.** SECTION 31. It shall be the duty of the Superintendent of Public Instruction to visit such of the charitable institutions of the State as are educational in their character, and to examine their facilities for instruction; and the several superintendents of these institutions shall make to him reports, at such times, on matters educational relating to their institutions, and in such forms as he may prescribe. [Approved April 15, 1875.]

**Reports.**

## GRANTING RIGHT OF WAY TO RAILROADS.

*AN ACT to empower township trustees to sell and convey right of way and depot grounds for the use of railroads crossing school lands.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of schools of any township concerned are hereby authorized and empowered, in their corporate capacity, to sell and convey to any railroad company which may construct a railroad across any of the public school lands of such township, the right of way and necessary depot grounds. All money received by such trustees for any right of way or depot ground so sold, to be turned over by such trustees to the treasurer of the township, for school purposes. [Approved April 13, 1875.]

## LEGALIZING SCHOOL DISTRICTS.

*AN ACT to legalize school districts organized under the thirty-third section of "An act to establish and maintain a system of free schools," approved April 1, 1875.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all school districts which have been organized as such, under the provisions of section thirty-three of "An act to establish and maintain a system of free schools for the State of such Illinois, approved April 1, 1872, are hereby legalized, and such school districts shall be held and considered legally organized school districts for all purposes originally contemplated. [Approved May 25, 1877.]

## RENTING AND SALE OF SCHOOL LANDS.

## AN ACT regulating the renting and sale of school lands.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the trustees of schools in townships in which section number sixteen or any other lands in lieu thereof remain unsold, or which has title to any other school lands whatsoever, may [to] rent or lease the same for an annual rent, to be paid in money to the treasurer, by a written contract made by the president and secretary, under the direction of the board, with the lessee or lessees, which contract shall be filed with the records of the board, and a copy of the same transmitted to the county superintendent, and in case of any default in payment of rent, the said board of trustees shall at once proceed to collect the same by distress or otherwise as may be provided by law for the collection of rents by landlords. No lease taken under the provisions of this act, shall be for a longer term than two years, except where said lands are leased for the purpose of having permanent improvements made thereon as may be the case in cities and villages: *Provided*, that the provisions of this act shall not apply to cities having a population of over one hundred thousand inhabitants. [Approved May 25, 1877.]

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## MEMBERS OF BOARD OF EDUCATION APPOINTED.

## AN ACT to provide for the appointment of school directors and members of the board of education, in certain cases.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases whereby [where, by] the provisions of any general or special law of this State heretofore passed, the members of the common council of any city have been made *ex officio* school directors, or members of the board of education in and for the school district of which the said city shall constitute the whole or a part, the said school directors or members of the board of education shall hereafter be appointed as hereinafter provided.

§ 2. It shall be the duty of the mayor of such city, at the first regular meeting of the city council in the month of June, 1881, to nominate and place before the council for confirmation as school directors or members of the board of education, as the case may be, two (2) persons from each ward of said city, one (1) from each ward to serve for two (2) years, and one (1) for one (1) year, and

Mayor to appoint--Council to confirm.

annually thereafter he shall nominate one (1) from each ward to serve for two (2) years, and if the person so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed shall constitute the board of education or school directors for such school district. Should the council fail to confirm any person or persons nominated by the mayor at such meeting, he may, at the next, or any subsequent meeting, nominate other persons for confirmation, as hereinbefore provided; and should a vacancy or vacancies occur in any board of education or school directors, the mayor may, at any regular meeting of the city council, fill such vacancy or vacancies in the manner above set forth. [As amended by an act approved May 30, 1881.]

**Organization.** § 3. The said persons shall, as soon as practicable after their appointment, organize by electing one of their number president, and another secretary, who shall hold their respective offices for one year. All rights, powers

**Rights, powers, and duties** and duties heretofore exercised by and devolved upon the members of the city council as *ex officio* members of the board of education or school directors, shall devolve upon and be exercised by the members of the board of education and school directors, appointed under the provisions of this act.

**Tax levy.** § 4. In all school districts to which this act shall apply the boards of education or school directors shall annually, before the first day of August, certify to the city council under the hands and seals of the president, and secretary of the board, the amount of money required to be raised by taxation for school purposes in said district for the ensuing year, and the said city council shall thereupon cause the said amount to be levied and collected in the same manner now provided by law for the levy and collection of taxes for school purposes in such district, but the amount to be so levied and collected shall not exceed the amount now allowed to be collected for school purposes by the general school laws of this State; and when such taxes have been collected and paid over to the treasurer of such city or school district, as may be provided by the terms of the act under which such district has been organized, such funds shall be paid out only on the order of the board of education or the school directors, signed by the president and secretary of such board. [Approved May 29, 1879.]

#### REGULATES PAYMENT OF FUNDS TO SCHOOL TREASURERS.

*An Act to regulate the payment of moneys into the hands of township school treasurers.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall*

be the duty of county treasurers, county superintendents of schools, township collectors, and all other persons paying money into the hands of township school treasurers, for school purposes, on or before the thirtieth of September of each year, to notify, in writing, the presidents of boards of school trustees and the clerks of the school districts, [of] the amount paid into the township treasurer's hands, and the date of payment. [Approved May 30, 1881.]

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#### CUSTODIANS OF PUBLIC FUNDS TO PUBLISH ANNUAL STATEMENTS.

*AN ACT to require officers having in their custody public funds to prepare and publish an annual statement of the receipts and disbursement of such funds.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That each and every public officer, elected or appointed, of each and every county and township in this State, who shall, by virtue of his or her office, have the custody of public funds, shall, at the expiration of each fiscal year, prepare a statement of the amount of public funds received and expended by him or her during the fiscal year just closed; which statement shall show the amount of public funds, if any, on hand at the commencement of said fiscal year, the amount of public funds received, and from what sources received, the amount of public funds expended, and for what purposes expended; and the officer making such statement shall subscribe and swear to the same before some person authorized to administer oaths; and such officer shall cause such statement to be published in some newspaper published in the county in which such officer holds his or her office, for one week; and if no newspaper be published in such county, then such officer shall make three (3) written copies of such statement, and post them in three (3) of the most public places nearest to the location of his or her office: *Provided*, that the provisions of this act shall not apply to sheriffs, circuit clerks, county clerks, county recorders, county superintendents of schools, county treasurers, county collectors, and township collectors in counties under township organization: *And, provided, further*, that the cost of the publication of said statement shall not exceed the sum of one dollar (\$1) per one hundred words, to be paid out of the funds in the hands of the officer making such statement: *And, provided, further*, that said public officer shall not be required to have said statement published, if he shall be unable to procure such publication at the price allowed by this act.

§ 2. Any public officer of any county or township in this State, who, by virtue of his or her office, shall have <sup>Penalty.</sup>

the custody of public funds, and who shall refuse or neglect to comply with the provisions of first section of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty dollars (\$50), nor more than five hundred dollars (\$500), at the discretion of the court, which fine shall be paid into the treasury of the county or township in which the officer convicted of said misdemeanor shall hold his or her office; and it shall be the duty of the State's attorney for the county in which said misdemeanor is committed, to bring suit against any public officer charged with the violation of the provisions of this act, in any court having jurisdiction. [Approved May 30, 1881.]

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#### COUNTY SUPERINTENDENTS' COMPENSATION.

*AN ACT concerning fees and salaries, and to classify the several counties with reference thereto.*

[Only a single section of this act is printed here.]

§ 27. The fees of county superintendents of schools shall be as follows: Three per cent. commissions upon the amount of sales of school lands, or of sales of land upon mortgage, or sales of real estate taken for debt, including all services connected therewith. Two per cent. commission upon all sums distributed, paid or loaned out by them for the support of schools. For all other duties required by law to be performed by them, for such number of days as may be designated by the county board, in counties of first and second class, the sum of four dollars per day; in counties of the third class, the county superintendent of schools shall be paid eight dollars per day: *Provided*, that the entire compensation received by him shall not exceed the sum of three thousand dollars per annum. [Approved March 29, 1872.]

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#### SPECIAL DISTRICTS FORMED.

*AN ACT to provide a way by which the people of any territory lying within three or more school districts, and in three or more townships, containing not less than four hundred inhabitants, may be organized into a school district.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when the people in any territory lying in three or more school districts, and in three or more townships, which territory

has not less than four hundred inhabitants, shall petition the trustees of the township or townships in which the districts affected lie, to organize said territory into a school district, the trustees shall grant the petition, and shall organize said territory into a school district, provided the petition shall be signed by not less than two-thirds of the legal voters living in said territory: *Provided, also,* that the petition or petitions for such new district shall be presented to the trustees and notice of them given to the directors of the districts affected, in the manner fixed by section thirty-three, of the general school law, for presenting and giving notice of petitions for changes of district boundaries; and that a division of property and adjustment of existing debts between the new district and the district or districts, a part of whose territory is taken, shall be made in the way provided in said section thirty-three, for the division of property and the adjustment of debts when a new district is formed: *Provided further,* that in the formation of a new district under this act, territory shall not be taken from any existing district so as to leave it with less than twenty families residing within that part of the district not taken, nor with taxable property of an assessed value less than fifty thousand dollars (\$50,000), as ascertained by the last assessment for State and county taxes, previous to the presentation of the petitions for the new district. When a district is organized under this act, it shall be the duty of the trustees to order an election of a school board in the newly constituted district, in the manner provided in the general school law for calling elections in new districts; and it shall be the duty of the clerk or clerks of the trustees to file a map or maps and records, as provided in section thirty-three of the school law, in case of changes of district lines. [Approved June 18, 1883.]

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REFUNDING BONDS AND OTHER OUTSTANDING INDEBTEDNESS—  
WITH REGISTRATION WITH STATE AUDITOR.

AN ACT to amend an act, approved April 27, 1877, entitled "An act to amend an act entitled 'An act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities,' approved February 13, 1865; and to amend the title thereof."

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That an act, approved April 27, 1877, entitled "An act to amend an act entitled 'An act relating to county and city debts, and to provide for the payment thereof by taxation, in such counties and cities,' approved February 13, 1865; and to amend the title thereof," be, and the same is, hereby amended so that section two shall read as follows:

§ 2. The first and subsequent sections of said act shall be as follows:

When issued. § 1. That in all cases where any county, city, town, township, school district, or other municipal corporation, has issued bonds or other evidences of indebtedness, for money, or has contracted debts, which are the binding, subsisting legal obligations of such county, city, town, township, school district, or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue, in lieu or place thereof, to the owners or holders of the same, new bonds prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty years, payable at such place, and bearing such rate of interest,

Rate of interest. not exceeding seven per centum per annum, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness: *Provided*, that bonds issued under this act, to mature within five years from their date, may bear interest not to exceed eight per cent. per annum. And it shall also be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, to cause to be thus issued, such new bonds, and sell the same to raise money to purchase or retire any or all such outstanding bonds or other evidences of indebtedness; the proceeds of the sales of such new bonds to be expended, under the direction of the corporate authorities aforesaid, in the purchase or retiring of the outstanding bonds or other evidences of indebtedness of such county, city, town, township, school district, or other municipal corporation, and for no other purpose whatever. All bonds or other evidences of indebtedness, issued under the provisions of this act, shall show upon their face that they are issued under this act, and the purpose for which they are issued, and shall be of uniform design and style, throughout the State, to be prescribed by the State Auditor, whose imperative duty it shall be to devise and prepare such uniform style and draft adapted to the classes of bonds herein provided for,

State audit-  
or to prepare  
a form. namely; The first class to consist of bonds, of which only the interest is payable annually; the second class to consist of those of which the interest and five per centum of the principal are to be paid annually, and the third class to consist of a graduated series, the first grade, made payable, principal and interest, at the end of one year from the date of issue; the second at the end of two years, and thus to the end of the series, the class to be issued being at the option of the legal voters expressed as herein provided. In any case, the new bonds, or other

Classes of  
bonds.

evidences of indebtedness, authorized to be issued by this act, shall not be for a greater sum in the aggregate, than the principal and accrued or earned interest unpaid of such outstanding bonds or other evidences of indebtedness. And when such new bonds, or other evidences of indebtedness, shall have been issued, in order to be placed <sup>Sale of bonds.</sup> on the market and sold to obtain proceeds with which to retire outstanding bonds, or other evidences of indebtedness, it shall be the duty of the State Auditor, on the request of the corporate authorities issuing them, and at the expense of the corporation in whose behalf the issue is thus made, to negotiate the same, at not less than par value, and on the best terms which can be obtained: *Provided*, always, that any such county, city, town, township, school district or other municipal corporation issuing bonds under the provisions of this act, may, through its corporate authorities duly authorized, negotiate, sell or dispose of said bonds, or any part thereof, at not less than their par value without the intervention of the Auditor of State. *And provided further*, that no new bonds, or other evidences of indebtedness, shall be issued under this act, unless the same shall be first authorized, as hereinafter provided, by a vote of a majority of the <sup>Vote of the people necessary.</sup> legal voters of such county, city, town, township, school district, or other municipal corporation, voting at some general election, or special election held for that purpose.

§ 2. In all cases where any county, city, town, township, school district, or other municipal corporation, shall issue any bonds or evidences of indebtedness, under this act, it shall be the duty of the county clerk of such county, or other officer to whom, or to whose office, the assessment rolls for State taxation of the property within such county, city, town, township, school district, or other municipal corporation, are or shall be returnable, within five days after the total value of the property subject to taxation therein shall be returned to him, to make out and transmit to the Auditor of Public Accounts, to be filed in his office, a certificate setting forth the total value of all taxable property, of every nature and description, within such county, city, town, township, school district, or other municipal corporation, as exhibited by such assessment. And it shall be the duty of the Auditor of Public Accounts, to place on the back of all new bonds, or other evidences of indebtedness issued under the provisions of this act, a certificate setting forth an aggregate statement of the amount of valuation of the taxable property of the municipal corporation issuing such new bonds, or other evidences of indebtedness; said certificate specially distinguishing the value of real estate and personal property, and being based on the return provided for, in this section, or, if there should be no such return made by the county clerk to the State Auditor, then based on an affidavit made by the officials of the corporation issuing the bonds.

<sup>Valuation of taxable property.</sup>

Elections.

§ 3. It shall be lawful for the corporate authorities of any such municipal corporation, or officers authorized by law to call elections therein, on the petition of ten legal voters, resident therein, to submit to the voters thereof, at any general or special election, the question of issuing bonds under this act, by posting a notice in ten of the most public places therein, and by publishing the same in the nearest newspaper, twenty days before said election; which notice shall state the number and amount of bonds proposed to be issued; the kind or class thereof as specified in the first section of the act of 1865 as hereby amended, and as also amended by the said act of 1877; the amount of each; the rate of interest, under the limitation of this amendatory act; when and where payable; for what purpose issued, and the time and place when and where said election will be held. And upon like petition and notice it shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read, "For issuing the bonds," or, "Against issuing the bonds." If a majority of the votes cast be for issuing the bonds, the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the acts to which this is an amendment, shall be held to repeal, or in anywise affect the power of the city of Chicago, to issue new bonds of said city conferred by an act of the General Assembly, approved February 13, 1865, amending the charter of said city, nor to, in anywise affect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof.

Cancellation  
of bonds.Registration  
by corpora-  
tion.

§ 4. Upon the surrender of any bond, or other evidence of indebtedness, under this act, the same shall be endorsed canceled, and shall from time to time, be destroyed, under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk, or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district or other municipal corporation, as the case may be, shall make registration thereof, in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given, as nearly as practicable. On presentation of any such new bond or evidence of indebtedness, issued under this act, at the office of the Auditor of Public Accounts, for registration, the said Auditor shall cause the same to be registered in his office, in a book kept for that pur-

pose; such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond or other evidence of indebtedness, under what act, by what authority, for what purpose and by what county, city, town, township, school district or other municipal corporation issued, and the name of the person, or persons, presenting the same for registration, and for such registration, the Auditor shall be entitled to a fee of twenty-five cents, and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration; for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons, desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the State Auditor, until a sworn certificate shall have been filed with him, showing that all the requirements of this act, have been fully complied with in their issue. In the case of county bonds, such affidavits shall be made by the chairman of the county board. In case of township bonds, by the supervisor of such township. In the case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds, by each of the directors of such school district. Said certificate shall set forth the date of the election, at which the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest, and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality, for the previous year, together with any other information in relation thereto, which may be demanded by the Auditor of Public Accounts.

§ 5. When the bonds, or other evidences of indebtedness of any county, city, town, township, school district or other municipal corporation, shall be so registered, the Auditor of Public Accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue, for the current year, on all such bonds and evidences of indebtedness, so registered in his office, and shall upon the basis of the certificate of the valuation of property to be transmitted to him, as aforesaid, or, in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum upon the valuation of such property, requisite to meet and satisfy the said interest, or interest and principal, as the case may be, together with the ordinary cost to the State of the collection and disbursement of the same, to be estimated by the Auditor and State

Registration  
by State Au-

Fees.

Tax to pay  
interest and  
principal of  
bonds.

Levy.

Treasurer, and shall make and transmit to the county clerk of such county, or of the county in which such city, town, township, school district or other municipal corporation is situated, or to the officer or authority whose duty it is, or may be, to prepare the estimates and books for the collection of State taxes in such county, city, town, township, school district or other municipal corporation, a certificate setting forth such estimated requisite per centum for such purposes, to be filed in his office; and the said per centum shall thereupon be deemed added to and a part of the per centum, which is or may be levied, or provided by law, for the purposes of State revenue, and shall be so treated by such clerk, officer or authority in making such estimates and books for the collection of State taxes; and the said taxes shall be collected with the State taxes, and all laws relating to the State revenue shall apply thereto, except as herein otherwise provided: *Provided*, that it shall be lawful for the county collector, at any time before settlement with the State Treasurer, to pay from such taxes, any coupons that are due for interest that may be presented for payment, and to pay from any surplus, not required for interest purposes, the principal of any such bond that may be presented for payment, and to pay from any surplus, not required for interest purposes, the principal of any such bond that may be presented for payment, whether due or not, and in settlement with the State Treasurer the county collector shall be credited with such paid coupons and bonds, the same as money.

State not liable for the bonds.

§ 6. The State shall be deemed the custodian only of the tax so collected, and shall not be deemed in any manner liable on account of such bonds, or other evidences of indebtedness; but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, and evidences of indebtedness, to satisfy which, the same is hereinbefore provided to be collected, as aforesaid, and such new bonds and evidences of indebtedness, issued under the authority hereof, shall be deemed secured and provided for, in virtue and faith hereof, until fully satisfied. The States shall, annually, collect and apply the said fund to the satisfaction of the interest, or interest and portion of the principal, as the case may be, of such registered bonds, or evidences of indebtedness, of any such county, city, town, township, school district or other municipal corporation, to the extent the same is herein contemplated to be derived from such tax, in the same manner as the interest on the bonds of the State is, or may be collected or paid, and in like moneys as shall

State to pay out moneys collected.

the Auditor of Public Accounts, or State Treasurer, and interest coupons, or bonds or other evidences of indebtedness, so paid, shall be returned to one of said officers, and shall be canceled and returned to the corporate authorities of the municipality which issued the same, in the manner now provided by law.

§ 7. The State may, out of such fund, first retain or satisfy the ordinary cost to the State, of the collection and disbursement thereof; and in case of the non-presentment of any such bond, or evidence of indebtedness, or interest coupon of any such county, city, town, township, school district, or other municipal corporation, for payment, at the times and when and where the interest on the State debt is, or may be paid, then, on the beginning of the next year, the moneys by reason thereof undisbursed, together with any surplus for any cause remaining, shall be carried to the fund of such county, city, town, township, school district or other municipal corporation of the current or ensuing year, and be considered by the Auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly. All laws relating to the payment of interest on the State debt, or the cancellation of the evidences thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the taxes and funds provided by this act.

§ 8. Upon the maturity of such registered bond, or other evidence of indebtedness, and the non-payment thereof by the county, city, town, township, school district, or other municipal corporation issuing the same, the holder thereof may cause the same to be registered in the office of the Auditor, as a matured or unsatisfied bond, or evidence of indebtedness, and thereupon, for the purpose of providing for the payment of the principal thereof, at the rate of five per centum of such principal, annually, and of the interest thereon in arrear, and for the current year to accrue, together with the cost to the State of the collection and disbursement thereof, as aforesaid; the same proceedings in all respects, shall be had as is hereinbefore provided, for the payment of the interest on such bonds and evidences of indebtedness, by the collection of an annual tax sufficient for the purposes in the section contemplated; and the same shall be collected and applied, as aforesaid, to such purpose, from year to year, until the full satisfaction thereof, when such bonds or evidences of indebtedness shall be canceled and returned, as herein-before provided.

§ 9. Upon the payment of any such registered bond, or evidence of indebtedness, and presentation thereof to the Auditor, he shall cause due entry thereof to be made in his office.

§ 10. There shall be allowed to the officers collecting and paying over the taxes authorized to be collected under

<sup>Cost to the  
State to be  
deducted.</sup>

<sup>Moneys not  
disbursed.</sup>

<sup>Registered  
bonds not  
paid at ma-  
turity.</sup>

<sup>Payment  
entered.</sup>

Collectors' fees and bond

the provisions of this act, the same fees, or compensation, as is or may be allowed by law for collecting and paying over State taxes, and where such tax is levied, the bonds of the collectors thereof, shall be increased in proportion to the estimated amount of such tax to be collected. [Approved June 4, 1879.]

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#### FURTHER AMENDMENT OF THE SAME ACT.

*An Act to amend an act entitled "An act to amend an act entitled 'An act relating to county and city debts, and to provide for the payment thereof by taxation in such counties and cities,' approved February 13, 1865, and to amend the title thereof," approved and in force April 27, 1877.*

*Be it enacted by the People of the State of Illinois, represented in the General Assembly, That an act entitled "An act to amend an act entitled 'An act relating to county and city debts, and to provide for the payment thereof, by taxation in such counties and cities,' approved February 13, 1865, and to amend the title thereof," approved and in force April 27, 1877, be and the same is amended by adding the following section after section ten in said act.*

Execution of bonds.

§ 11. All bonds issued under this act shall be executed on behalf of the municipalities issuing the same by the following named officers, viz: On behalf of counties under the township organization laws of this State, by the chairman of the board of supervisors and the clerk of the county court attesting the same with his signature and official seal. On behalf of counties not under township organization by the acting chairman of the board of county commissioners together with the clerk of the county court attesting the same with his signature and official seal. On behalf of cities, by the mayor and city clerk together with the seal of the city. On behalf of towns organized under the township organization law of this State, by the supervisor or supervisors of such town, (as the case may be) and the town clerk of such towns. On behalf of all other municipalities hereinbefore mentioned by the president, chairman, or chief executive officer thereof together with the clerk or secretary thereof. *Provided*, that nothing herein contained shall be so construed as to authorize the officers herein mentioned to issue bonds under this act except upon a majority vote of the voters as hereinbefore provided. [Approved May 28, 1879.]

REFUNDING BONDS AND OTHER OUTSTANDING INDEBTEDNESS—  
WITHOUT REGISTRATION WITH THE STATE AUDITOR.

*AN ACT to amend an act entitled "An act to enable counties, cities, townships, school districts and other municipal corporations to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same," approved and in force March 26, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of the aforesaid act be amended so as to read as follows:

§ 1. That in all cases where any county, city, town, township, school district, or other municipal corporation have issued bonds or other evidences of indebtedness for money, on account of any subscription to the capital stock of any railroad company, or on account of or in aid of any public buildings or other public improvement, or for any other purposes which are now binding or subsisting legal obligations against any county, city, town, township, school district or other municipal corporations, and remaining outstanding, and which are properly authorized by law, the proper authorities of any such county, city, town, township, school district or other municipal corporations may, upon the surrender of any such bonds, or other evidences of indebtedness, or any number thereof, issue in place or in lieu thereof, to the holders or owners of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest, not exceeding ten per cent., as may be agreed upon with such holders or owners; and such new bonds or other evidences of indebtedness so issued, shall show on their face that they are issued under this act: *Provided*, that the issue of such new bonds in lieu of such indebtedness shall first be authorized by a vote of a majority of the legal voters of such county, city, town, township, school district or other municipal corporation, voting either at some annual or special election of such municipal corporation: *And, provided, further*, that such bonds or other evidences of indebtedness shall not be issued so as to increase the aggregate indebtedness of such municipal corporation beyond five per centum on the value of the taxable property therein—to be ascertained by the last assessment for State and county taxes, prior to the issuing of such bonds or other evidences of indebtedness. Nothing contained in this act, or in the act to which this is an amendment, shall be held to repeal or in anywise affect the power of the city of Chicago to issue new bonds to an amount sufficient to retire and satisfy maturing bonds of said city, conferred

Bonds to be  
authorized by  
a vote.

by section thirty-eight of an act of the General Assembly, approved February 13, 1863, amending the charter of said city. [Approved April 14, 1875.]

ORDERS DRAWN AGAINST FUNDS ON HAND—AGAINST TAXES  
UNCOLLECTED.

*AN ACT to provide for the manner of issuing warrants upon the treasurer of any county, township, city, school district or other municipal corporation, and jurors' certificates.*

*SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That warrants payable on demand shall hereafter be drawn and issued upon the Treasurer of this State, or of any county, township, city, school district or other municipal corporation, or against any fund in his hands, only when, at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.*

*§ 2. That whenever there is no money in the treasury of any county, township, city, school district or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district or other municipal corporation, to provide that warrants may be drawn and issued against and in anticipation of the collection of any taxes, already levied by said authorities for the payment of the ordinary and necessary expenses of any such municipal corporation, to the extent of seventy-five per centum of the total amount of any said tax levy: Provided, that warrants drawn and issued under the provisions of this section, shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes, against which said warrants are drawn shall be set apart and held for their payment.*

*§ 3. All jurors' certificates shall hereafter be issued in conformity with the provisions of this act. [Approved May 31, 1879.]*

## CREATING A SINKING FUND.

*AN ACT to provide a sinking fund for local indebtedness.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever any county, township, city, town or school district <sup>How created.</sup> shall owe any bonded debt not due, which is registered in the office of the Auditor of this State, the board of supervisors, or board of county commissioners, town auditors, city council, town trustees, or school directors of such county, township, city, town or school district, as the case may be, may, by resolution spread upon their records and certified to the Auditor, request said Auditor to create a sinking fund to meet any such debt, or any installment thereof, by the time the same shall become due and payable. Said resolution shall specify the principal amount to be so provided for, the time when the same shall become due and the amount they desire raised annually to meet the same.

§ 2. Upon the receipt of such resolution, the Auditor shall file in his office the same, and thereafter it shall be his duty, in certifying the amount of taxes to be raised within said district, to fix and certify a rate, to be denominated "sinking fund tax," sufficient to produce the <sup>Sinking fund tax.</sup> amount annually required in said resolution, and the same shall be levied, extended and collected, and paid into the State treasury the same as other State taxes.

§ 3. The State Treasurer shall receive said taxes so collected, and invest the same in U. S. Government bonds, or in the bonds of the county, township, city, village or school district to which such fund belongs, and for which <sup>How invested.</sup> it is created, at the lowest price for which such bonds can be purchased, not, however, to exceed the par value and accrued interest; and such county commissioners, supervisors, town auditors, city council, town or village trustees, or school directors, shall have the right to determine the kind of bonds they will authorize to be purchased, and to fix the maximum price that may be paid for the same; and in case of the purchase of Government bonds, then the Treasurer shall receive the interest as it accrues on said bonds and reinvest it in the same kind of securities, and in case of the purchase of the bonds for which the sinking fund is raised, then such purchased bonds shall be returned to the county, township, city, village or school district and be canceled or destroyed by the proper authorities. [Approved May 28, 1881.]

## LOANING SCHOOL FUNDS IN DISTRICTS UNDER SPECIAL LAWS.

AN ACT *to regulate the Loaning of School Funds.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases where school funds are held by any person or persons in an official capacity, by virtue of any special charter defining the manner of loaning the same, such moneys may be loaned upon the same terms and conditions as are now provided, or may hereafter be provided, by the school laws of this State. [Passed with emergency clause. Approved March 20, 1893.]

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## EDUCATIONAL RIGHTS OF CHILDREN.

AN ACT *to secure to all Children the Benefit of an Elementary Education.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every person having the control and charge of any child or children, between the ages of eight and fourteen years, shall send such child or children to a public or private school for a period of not less than twelve weeks in each school year, unless such child or children are excused from attending school by the board of education, or school directors of the city, town or school district in which such child or children reside. Such excuse may be given by said board of education or school directors for any good cause shown why said child or children shall not be required to attend school in conformity with this act.

Who must send children to school. § 2. It shall be a good defense to any suit brought under this act, if the person under whose control such child or children are, can show that the mental or bodily condition of such child or children is such as to prevent its attendance at school or application to study for the period required by this act, or, for the time required by this act, in such branches as are ordinarily taught in primary or other schools, or has acquired the branches of learning ordinarily taught in public schools, or that no public school has been taught within two miles, by the nearest traveled road, of the residence of such child or children, within the school district in which said child or children reside, for twelve weeks during the year.

What shall be a good defense for non-compliance with the law. § 3. If any person having the control and charge of child or children shall fail or neglect to comply with the provisions of this act, said person shall pay a fine of not less than five nor more than twenty dollars. Suit for the

recovery of the fine and costs shall be brought by any director, or member of any board of education, of the district in which such person resided at the time of the committal of the offense, before any justice of the peace of said township. Jurisdiction is hereby conferred on all justices of the peace in this State for the enforcing of this act. Such fine shall be paid, when collected, to the school treasurer of said township, to be accounted for by him as other school money raised for school purposes.

§ 4. It is hereby made the duty of school directors and members of the boards of education to prosecute offenses occurring under this act. The neglect so to prosecute by any school director, or member of any board of education, within twenty days after written notice has been served on such director, or member of such board of education, by any tax payer residing in such district, that any person has violated this act, shall subject him or them to a fine of ten dollars, to be sued for by any tax payer residing in the school district where the violation of this act occurred, before any justice of the peace in the township where the said school district may be located; and when such fine is collected it shall be reported by said treasurer, and accounted for as other money raised for school purposes, and become a part of the school fund of said township. [Approved June 23, 1883.]

School directors and members of boards of education liable for not enforcing the law.  
Penalty.

# APPENDIX.

[Contains acts establishing State Normal Schools and providing for County Normal Schools and Industrial Schools for Girls and Boys.]

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## ILLINOIS STATE NORMAL UNIVERSITY, NORMAL.

### AN ACT *for the establishment and maintenance of a Normal University.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That C. B. Denio, Corporators. of Jo Daviess county, Simeon Wright, of Lee county, Daniel Wilkins, of McLean county, C. E. Hovey, of Peoria county, George P. Rex, of Pike county, Samuel W. Moulton, of Shelby county, John Gillespie, of Jasper county, George Bunsen, of St. Clair county, Wesley Sloan, of Pope county, Ninian W. Edwards, of Sangamon county, John Eden, of Moultrie county, Flavel Mosely, of Cook county, William H. Wells, of Cook county, Albert R. Shannon, of White county, and the Superintendent of Public Instruction, *ex officio*, with their associates, who shall be elected as herein provided, and their successors, are hereby created a body corporate and politic, to be styled "The Board of Education of the State of Illinois," and by that name and style shall have perpetual succession, and have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, hold and convey real and personal property; to have and use a common seal, and to alter the same at pleasure; to make and establish by-laws and alter or repeal the same as they shall deem necessary for the government of the normal university hereby authorized to be established, or any of its departments, officers, students or employés, not in conflict with the constitution and laws of this State, or of the United States; and to have and exercise all powers, and be subject to all duties usual and incident to trustees of corporations.

Style.  
General power

Superinten-  
dent.

§ 2. The Superintendent of Public Instruction, by virtue of his office, shall be a member and secretary of said board, and shall report to the legislature at its reg-

ular sessions the condition and expenditures of said normal university, and communicate such further information as the said board of education or the legislature may direct.

§ 3. No member of the board of education shall receive any compensation for attendance on the meetings of the board, except his necessary traveling expenses; which shall be paid in the same manner as the instructors employed in the said normal university shall be paid. At all the stated and other meetings of the board, called by the president or secretary, or any five members of the board, five members shall constitute a quorum, provided all shall have been duly notified.

§ 4. The objects of the said normal university shall be to qualify teachers for the common schools of this State, by imparting instruction in the art of teaching, and all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology, in the fundamental laws of the United States and of the State of Illinois, in regard to the rights and duties of citizens, and such other studies, as the board of education may, from time to time, prescribe.

§ 5. The board of education shall hold its first meeting at the office of the Superintendent of Public Instruction, on the first Tuesday in May next, at which meeting they shall appoint an agent, fixing his compensation, who shall visit the cities, villages and other places in the State, which may be deemed eligible for the purpose, to receive donations and proposals for the establishment and maintenance of the normal university. The board shall have power and it shall be their duty to fix the permanent location of said normal university, at the place where the most favorable inducements are offered for that purpose: *Provided*, that such location shall not be difficult of access, or detrimental to the welfare and prosperity of said normal university.

§ 6. The board of education shall appoint a principal, lecturer on scientific subjects, instructors and instructresses, together with such other officers as shall be required in the said normal university, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge, which may be duly presented and reasonable opportunity for defense. They shall also prescribe the text books, apparatus and furniture to be used in the university, and provide the same; and shall make all regulations necessary for its management. And the board shall have the power to recognize auxiliary institutions when deemed practicable: *Provided*, that such auxiliary institutions shall not receive any appropriation from the treasury, or the seminary or university fund.

Members not  
to receive  
compensa-  
tion.

Object of  
university.

Time of meet-  
ing of board  
of education.

Appoint prin-  
cipal, lecturer  
and instruc-  
tors.

Text-books.

Auxiliaries.

~~Each county entitled to gratuitous instruction for pupils.~~ § 7. Each county within the State shall be entitled to gratuitous instruction for \*one pupil in said normal university; and each representative district shall be entitled

~~Application of pupils.~~

to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The school commissioner [county superintendent] in each county shall receive and register the names of all applicants for admission in said normal university, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, which said county court or board of supervisors, as the case may be; shall, together with the county commissioner, examine all applicants so presented, in such a manner as the board of education may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot; and in representative districts composed of more than one county, the school commissioner and the county judge, or the school commissioner and chairman of the board of supervisors, in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court, or board of supervisors, of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of education shall have the discretionary power, if any candidate does not

~~Required to file declaration.~~

sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State, in case that engagements can be secured by reasonable efforts, to require such candidate to provide for the payment of such fees for tuition as the board may prescribe.

~~Appropriation.~~

§ 8. The interest of the university and seminary fund, or such part thereof as may be found necessary, shall be and is hereby appropriated for the maintenance of said normal university, and shall be paid on the order of the board of education from the treasury of the State; but in no case shall any part of the interest of said fund be applied to the purchase of sites, or for buildings for said university.

§ 9. The board shall have power to appropriate the one thousand dollars received from the Messrs. Merriam, of Springfield, Massachusetts, by the late Superintendent, to the purchase of apparatus for the use of the normal university, when established, and hereafter, all gifts, grants and demises which may be made to the said normal university shall be applied in accordance with the wishes of the donors of the same.

~~Term of office.~~

§ 10. The board of corporators herein named, and their successors, shall each of them hold their office for the

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\* Made two by act approved Feb. 14, 1861.

term of six years: *Provided*, that at the first meeting of said board, the said corporators shall determine by lot, so that one-third shall hold their office for two years, one-third for four years, and one-third for six years. The Governor, by and with the advice and consent of the Senate, shall fill all vacancies which shall at any time occur in said board, by appointment of suitable persons to fill the same.

§ 11. At the first meeting of the board, and at each biennial meeting thereafter, it shall be the duty of said board to elect one of their number president, who shall serve until the next biennial meeting of the board, and until his successor is elected.

§ 12. At each biennial meeting it shall be the duty of the board to appoint a treasurer, who shall not be a member of the board, and who shall give bond with such security as the board may direct, conditioned for the faithful discharge of the duties of his office.

§ 13. This act shall take effect on and after its passage, and be published and distributed as an appendix to the school law. [Approved February 18, 1857.]

#### SOUTHERN ILLINOIS NORMAL UNIVERSITY, CARBONDALE.

#### AN ACT to establish and maintain the Southern Illinois Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a body politic and corporate is hereby created, by the name of the Southern Illinois Normal University, to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive, by any legal mode of transfer or conveyance, property of any description, and to have, hold and enjoy the same, with the rents and profits thereof, and to sell and convey the same; also, to make and use a corporate seal, with power to break or change the same, and to adopt by-laws, rules and regulations for the government of its members, officers, agents and employés: *Provided*, such by-laws shall not conflict with the constitution of the United States or of this State.

§ 2. The objects of the said Southern Illinois Normal University shall be to qualify teachers for the common schools of this State by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and

General powers.

Proviso.

Objects.

vegetable physiology, in the fundamental laws of the United States, and of the State of Illinois, in regard to the rights and duties of citizens, and such other studies as the board of education may, from time to time, prescribe.

<sup>Powers vested in</sup> trustees. § 3. The powers of the said corporation shall be vested in and its duties performed by a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

<sup>Appointment of trustees.</sup> § 4. Upon the passage of this act the Governor shall nominate and, by and with the advice of the Senate, appoint five citizens of the State as trustees of said institution, two of whom shall serve for two years, and three for four years, and until their successors are appointed and enter on duty, and successors in each class shall be appointed in like manner for four years: *Provided*, that in case of a vacancy by death or otherwise, the Governor shall appoint a successor for the remainder of the term vacated: *Provided*, that not more than two members of said board shall be residents of any one county.

§ 5. The said trustees shall hold their first meeting at Centralia, within one month after the passage of this act, at which meeting they shall elect one of their body as president and another as secretary; and cause a regular record to be made and kept of all their proceedings. The said board shall also, whenever his services shall be required, appoint a treasurer, not a member of the board, who shall give bonds to the People of the State of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct.

<sup>Duties of treasurer.</sup> § 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

<sup>Contracts.</sup> § 7. No member, officer, agent or employé of the board shall be a party to or interested in any contract for materials, supplies or services other than such as pertain to their positions and duties.

<sup>Accounts.</sup> § 8. Accounts of this institution shall be stated and settled annually with the Auditor of Public Accounts, or with such person or persons as may be designated by law for that purpose. And the trustees shall, ten days previous to each regular session of the General Assembly, submit to the Governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the Governor laid before the General Assembly.

§ 9. The said board shall meet quarterly at such places or place as may be agreed on, and, until the buildings are completed, as much oftener as may be necessary; and thereafter the meetings shall be at the university.

Meet quarterly.

§ 10. The trustees shall, as soon as practicable, advertise for proposals from localities desiring to secure the location of said normal university, and shall receive, for not less than three months from the date of their first advertisement, proposals for points situated as hereinafter mentioned, to donate lands, buildings, bonds, moneys, or other valuable consideration, to the State in aid of the foundation and support of said university; and shall, at a time previously fixed by advertisement, open and examine such proposals, and locate the institution at such point as shall, all things considered, offer the most advantageous conditions. The land shall be selected south of the railroad, or within six miles north of said road, passing from St. Louis to Terre Haute, known as the Alton and Terre Haute railroad, with a view of obtaining a good supply of water and other conveniences for the use of the institution.

Location.

Limits.

§ 11. Upon the selection and securing of the land aforesaid, the trustees shall proceed to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the out-houses required for use, also for the improvement of the land so as to make it available for the use of the institution. The buildings shall not be more than two stories in height, and be constructed upon the most approved plan for use, shall front to the east, and shall be of sufficient capacity to accommodate not exceeding three hundred students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick, partition walls of brick, roofs of slate, and the whole buildings made fire-proof, and so constructed as to be warmed in the most healthy and economical manner, with ample ventilation in all its parts. The out-houses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint an honest, competent superintendent of the buildings and improvements aforesaid, whose duty it shall be to be always present during the progress of the work, and see that every stone, brick, and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employés to conform to his directions in executing their contracts: *Provided, however,* that said board of trustees may appoint any one of their number such superintendent: *And provided, further,* that the buildings aforesaid may be erected and improvements made under the direction of the board and its superintendent, without letting the same to contractors.

Erection of buildings.

Construction.

Provisos.

Instructors. § 12. The said board of trustees shall appoint instructors and instructresses, together with such other officers as may be required in the said Normal University, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity

Text-books. of defense. They shall also prescribe the text-books, apparatus and furniture to be used in the university and provide the same, and shall make all regulations necessary for its management.

Each county to send two pupils gratuitously. § 13. All the counties shall be entitled to gratuitous instructions for two pupils for each county in said normal university, and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district,

Manner chosen. to be chosen in the following manner: The superintendent of schools in each county shall receive and register the names of all applicants for admission in said normal university, and shall present the same to the county court, or, in counties acting under township organization, to the board of supervisors, which said county court or board of supervisors, as the case may be, shall, together with the superintendent, of schools, examine all applicants so presented, in such manner as the board of trustees may direct; and from the number of such as shall be found to possess the requisite qualifications such pupils shall be selected by lot, and in representative districts composed of more than one county, the superintendent of schools and county judge or the superintendent of schools and chairman of the board of supervisors in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of trustees shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the State not less than three years, in case that engagements can be secured by reasonable efforts, to require [the] candidate to provide for the payment of such fees for tuition as the board may prescribe.

Appropriation therefor. § 14. To enable the board of trustees to erect the buildings and make the improvements preparatory to the reception of pupils in said institution, and to supply the necessary furniture for the same, the sum of seventy-five thousand dollars is hereby appropriated out of the State Treasury, payable on the orders of said board, as required for use, in sums not exceeding ten thousand dollars per

month. The first payment to be made on the first day of June next, and subsequent payments monthly thereafter, but each successive order for subsequent payments shall be accompanied by an account sustained by vouchers, showing, to the satisfaction of the Auditor, the expenditure of the previous payment.

§ 15. The expense of building, improving, repairing, and supplying fuel and furniture, and the salaries or compensation of the trustees, superintendent, assistants, agents and employés, shall be a charge upon the State Treasury; all other expenses shall be chargeable against pupils, and the trustees shall regulate the charges accordingly.

§ 16. If the buildings and improvements herein provided for shall be ready for the reception of pupils before the next regular session of the General Assembly, the Governor is authorized to make orders on the Auditor, directing him to issue warrants at the end of each quarter of the fiscal year for amounts sufficient to pay the expenses chargeable against the State, and the Auditor shall issue warrants accordingly, which shall be paid by the Treasurer.

§ 17. The trustees of this institution shall receive their personal and traveling expenses, and the Auditor is hereby authorized to issue his warrants quarterly, upon taking the affidavit of the trustees as to the actual time employed, and their personal and traveling expenses.

§ 18. This act shall take effect and be in force from and after its passage. [Approved March 9, 1869.]

Expense.

Auditor to issue warrants.

Expenses of trustees.

#### COUNTY NORMAL SCHOOLS.

#### AN ACT TO ENABLE COUNTIES TO ESTABLISH COUNTY NORMAL SCHOOLS.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in each county adopting township organization, the board of supervisors, and in other counties the county court, may establish a county normal school for the purpose of fitting teachers for the common schools. That they shall be authorized to levy taxes and appropriate moneys for the support of said schools, and also for the purchase of necessary grounds and buildings, furniture, apparatus, etc., and to hold and acquire, by gift or purchase, either from individuals or corporations, any real estate, buildings or other property, for the use of said schools, said taxes to be levied and collected as all other county taxes: *Provided*, that in counties not under township organization, county courts shall not be authorized to proceed under the provisions of this act until the subject shall

By whom established.

**To be voted for.** have been submitted to a vote of the people, at a general election, and it shall appear that a majority of all the votes cast on the subject, at said election, shall be in favor of the establishment of a county normal school. The ballots used in voting on this subject may read "For a county normal school," or "Against a county normal school."

**Management.** § 2. The management and control of said school shall be in a county board of education, consisting of not less than five or more than eight persons, of which board, the chairman of the board of supervisors or the judge of the county court, as the case may be, and the county superintendent of schools, shall be, *ex officio*, members.

**County board of education.** The other members shall be chosen by the board of supervisors or county court, and shall hold their offices for the term of three years. But at the first election

**Election.** one-third shall be chosen for one year, one-third for two years, and one-third for three years, and thereafter one-third shall be elected annually. Said election shall be held at the annual meeting of the board of supervisors in September, or at the September term of the county court, as the case may be.

**Power of said board.** § 3. Said board of education shall have power to hire teachers, and to make and enforce all needful rules and regulations for the management of said schools. A majority of said board shall constitute a quorum for the transaction of business, and a meeting of said board may be called at any time by the president or secretary, or by any three of the members thereof. Said board shall proceed to organize, within twenty days after their appointment, by electing a president, who shall hold his office for one year, and until his successor shall be appointed. The county superintendent shall be, *ex officio*, secretary of the board. Said board shall make to the board of supervisors, at their annual meeting in September, or to the county court at the September term, as the case may be, a full report of the condition and expenditures of said county normal school, together with an estimate of the expenses of said school for the ensuing year.

**Two counties may unite.** § 4. Two or more counties may unite in establishing a normal school, in which case the per cent. of tax levied for the support of said school shall be the same in each county.

**To legalize those already established.** § 5. In all counties that have already established normal schools, the action of the board of supervisors in so doing, and all appropriations made by them for their support, are hereby legalized; and said boards of supervisors are hereby authorized and empowered to make further appropriations for the support of such schools already established, until such schools shall have been established under the previous sections of this act.

§ 6. No member of the aforesaid county board of education shall be entitled to compensation for services rendered as a member of such board.

§ 7. This act shall be in force from and after its passage. [Approved March 15, 1869.]

#### SCHOOL FOR GIRLS—INDUSTRIAL.

#### *An Act to aid Industrial Schools for Girls.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any seven or more persons, residents of this State, a majority of whom are women, who may organize, or have organized, under the general laws of the State, relating to corporations, for the purpose of establishing, maintaining and carrying on an industrial school for girls, shall have, under the corporate names assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit, and shall be, and hereby are exempted from all State and local taxes: *Provided however,* that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereto, in writing, which consent must be filed in the office of the Secretary of State.

§ 2. The object of industrial schools for girls shall be to provide a home and proper training school for such girls as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

§ 3. Any responsible person who has been a resident of any county in this State, one year next preceding the time at which the petition is presented, may petition the county court of said county to inquire into the alleged dependency of any female infant then within the county and every female infant who comes within the following descriptions shall be considered a dependent girl, viz:

Every female infant who begs or receives alms while actually selling, or pretending to sell any article in public; or who frequents any street, alley or other place, for the purpose of begging or receiving alms; or, who having no permanent place of abode, proper parental care, or guardianship, or sufficient means of subsistence, or who for other cause is a wanderer through streets and alleys, and in other public places; or, who lives with, or frequents the company of, or consorts with reputed thieves, or other vicious persons; or who is found in a house of ill-fame, or in a poor house.

The petition shall also state the name of the father of the infant, if living, or if dead, the name of the mother; and if neither the father nor mother of the infant be living, or to be found in the county, then the name of the guardian, if there be one. If there be a parent living, or a guardian, the petition shall set forth not only the depen-

dency of the infant, but shall also show that the parent or guardian is not a fit person to have the custody of such infant. Such petition shall be verified by oath, and upon being filed, the judge of said court shall have the female infant, named in the petition brought before him for the purpose of determining the application in said petition contained, and for the hearing of such petitions the county court shall be considered always open.

**Writ and trial  
by jury.**

§ 4. Upon the filing of such petition, the clerk of the court shall issue a writ to the sheriff of the county, directing him to bring such infant before the court to order a jury of six to be summoned, to ascertain whether such infant is a dependent, as alleged in such petition, and also to find if the other allegations are true, and if found to be such, they shall also find her age in their verdict, and when such infant shall be without counsel, it shall be the duty of the court to assign counsel for her; and if the jury finds that the infant named in the petition is a dependent girl, and that the other material facts set forth in the petition are true, and if, in the opinion of the judge, she is a fit person to be sent to an industrial school for girls, the judge shall enter an order that such infant be committed to an industrial school for girls in the county, if there be such school in the county; but if there be no such school in the county, then to any industrial school for girls, elsewhere in the State, to be in such school kept and maintained until she arrives at the age of eighteen years, unless sooner discharged therefrom in the manner hereinafter provided. Before the hearing aforesaid, notice shall be given to the parent or guardian of the infant, if to be found in the county, of the proceedings about to be instituted, and they may appear and resist the same.

**Judgment.**

§ 5. If the court finds as in the preceding section, it shall further order of record, that such infant has no guardian; or that her guardian or parent is not a fit person to have the custody of such infant, as the case may be, and the court may thereupon appoint the president or any one of the vice-presidents of such industrial school the lawful guardian of such infant, and no bond shall be required of such guardian, and such guardian shall permit such infant to be placed under the care and in the custody of such industrial school for girls as hereinafter provided.

**Guardian.**

§ 6. A warrant shall thereupon be issued in duplicate by the clerk to some suitable person, a resident of the county, to be designated by the judge, authorizing him or her to take in charge and care, the dependent girl named in said order of the court, and convey her to the industrial school for girls to which she is to be committed, and said warrant shall be substantially as follows:

**Warrant.**

STATE OF ILLINOIS, { ss.

County. The People of the State of Illinois to..... You are hereby authorized to take forthwith into your charge and care ....., aged ..... years, who has been declared a dependent girl, and convey her to the ..... (as the case may be) Industrial School for Girls, and of this warrant you are commanded to make due return to this court after its execution.

Witness my hand and seal of the county court of..... county, this ..... day of..... A. D. ....  
(Seal of Court.)

Clerk of the county court of..... county.

This warrant, with the receipt therein, shall be returned to the clerk, to be filed by him with the other papers relating to the case, and this warrant shall be a sufficient and competent authority for the proper officers and agents of the industrial school for girls, to which it is directed to receive, keep and detain the person therein named, and a duplicate copy thereof shall be delivered to the matron or other proper officer of such school, to be kept at the school by such matron or other proper officer, which duplicate shall have thereon a full copy of all endorsements made upon the one returned to court, and be recorded by her in a book kept for that purpose, and said book shall always be open to the inspection of any person.

§ 7. Upon receiving the dependent girl, the matron of the school shall endorse upon the warrant referred to in the preceding section a receipt, as follows:

.....(as the case may be) INDUSTRIAL SCHOOL FOR GIRLS.  
Received this..... day of..... A. D. ...., the girl named in this warrant.

(Seal of School.)

Matron.

§ 8. The fees for conveying a dependent girl to an industrial school for girls, shall be the same as conveying a juvenile offender to the Reform School for Juvenile Offenders, at Pontiac, in this State, and they shall be paid by the counties from which such dependent girls are sent, unless they are paid by the parent or guardian.

§ 9. It shall be the duty of the county judge to see that every dependent girl committed by him to an industrial school for girls, shall, at the time she is conveyed to the school, be furnished with three chemises, three pairs of woolen stockings, one pair of shoes, two woolen petticoats or skirts, three good dresses, a cloak or shawl, and a suitable bonnet. The expense of said clothing shall be paid out of the county treasury upon the certificate of the county judge. But if the dependent girl have a parent or guardian, the court shall render judgment against him for the amount to be paid the county for such clothing, together with cost of collection; and if such expenses and cost of collection are recovered the money shall be paid into the county treasury. For the tuition, maintenance and care of dependent girls, the county from which they are sent shall pay to the industrial school for girls to which they may be committed, as follows:

Fees for conveying to  
school.

Clothing.

Support.

County to pay

For each dependent girl under the age of ten years, ten dollars per month.

For each dependent girl ten years and under fourteen years of age, ten dollars per month.

For each dependent girl fourteen and under eighteen years of age, ten dollars per month. And upon the proper officer rendering proper accounts therefor, quarterly, the county board shall allow and order the same paid out of the county treasury: *Provided*, that no charge shall be made against any county by any industrial school for girls on account of any dependent girl in the care thereof who has been by said school put out to a trade or employment in the manner hereinafter provided.

*Officers to have control.* § 10. The officers and trustees of any industrial school for girls in this State, shall receive into such school all girls committed thereto under the provisions of this act, and shall have the exclusive custody, care and guardianship of such girls. They shall provide for their support and comfort; instruct them in such branches of useful knowledge as may be suited to their years and capacities, and shall cause them to be taught in domestic avocations, such as sewing, knitting, and housekeeping in all its departments. And for the purpose of their education and training, and that they may assist in their own support; they shall be required to pursue such tasks suitable to their years and sex, as may be prescribed by such officers and trustees.

*Adoption.* § 11. Any girl committed under the provisions of this act to an industrial school for girls, may by the officers and trustees of said school be placed in the home of any good citizen upon such terms and for such purpose and time as may be agreed upon, or she may be given to any suitable person of good character who will adopt her, or she may be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to follow any employment which, in the judgment of said officers and trustees, will be for her advantage; and all and singular of the provisions of the act entitled "An act to revise the law in relation to apprentices," approved February 25, 1874; in force July 1, 1874, in so far as they are applicable, shall apply to and be binding upon such officers and trustees, upon such girl and upon the person to whom such girl is bound: *Provided*, that any disposition made of any girl under this section shall not bind her beyond her minority: *And, provided, further*, that such officers and trustees shall have a supervising care over such girl to see that she is properly treated and cared for; and in case such girl is cruelly treated, or is neglected, or the terms upon which she was committed to the care and protection of any person are not observed, or in case such care and protection shall for any reason cease, then it

*Bound as an apprentice.*

shall be the duty of such officers and trustees to take and receive such girl again into the custody, care and protection of said industrial school.

§ 12. No imbecile, or idiotic girl, or one incapacitated for labor, nor any girl having any infectious, contagious, or incurable disease, shall be committed or received into any industrial school for girls in this State. Imbeciles, etc., not admitted.

§ 13. Any girl committed to an industrial school for girls, under the provisions of this act, may be discharged therefrom at any time, in accordance with the rules thereof, when in the judgment of the officers and trustees, the good of the girl or good of the school would be promoted by such discharge, and the Governor may at any time order the discharge of any girl committed to an industrial school under the provisions of this act. Discharge.

§ 14. All industrial schools for girls in this State Visitation. shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities, as the charitable and penal institutions of the State; and avoiding, as far as practicable, sectarianism; suitable provisions shall be made for the moral and religious instruction of the inmates of all industrial schools for girls in this State. But no such industrial school shall receive an appropriation from the State for any purpose, and any school receiving an appropriation from the State shall not have the benefit of the provisions of this act. [Approved May 28, 1879.]

#### INDUSTRIAL SCHOOL FOR BOYS.

#### AN ACT to provide for and aid Training-Schools for Boys.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any seven or more persons, residents of this State, who may organize, or have organized under the general laws of the State relating to corporations, for the purpose of establishing, maintaining and carrying on a training-school for boys, shall have, under the corporate name assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit: *Provided, however,* that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereto, in writing, which consent must be filed in the office of the Secretary of State. Organization.

§ 2. The object of training-schools for boys shall be to Object, main- provide a home and proper training-school for such boys tenance.

as may be committed to their charge; and they shall be maintained by the voluntary contributions, excepting as hereinafter provided.

Petition for inquiry. § 3. Any responsible person, a resident of any county in this State, may petition the county court, or any court of record of said county, to inquire into the alleged dependency of any boy then within the county, and every boy who shall come within the following description shall be considered a dependent boy, viz: Every boy who frequents any street, alley, or other place, for the purpose of begging or receiving alms; or who shall have no permanent place of abode, proper parental care or guardianship, or sufficient means of subsistence; or who, from other cause, shall be a wanderer through streets and alleys, or other public places; or who shall live with, or frequent the company of, or consort with, reputed thieves or other vicious persons. The petition shall also state the name of the father and mother of the boy, if living and if known, or if either be dead, the name of the survivor, if known; and if neither the father nor mother of the boy be living, or to be found in the county, or their names to be ascertained, then the name of the guardian, if there be one. If there be a parent living whose name can be ascertained, or a guardian, the petition shall set forth not only the dependency of the boy, but shall also show that the parents or parent or guardian are or is not fit persons or person to have the custody of such boy. Such petition shall be verified by oath upon the belief of the petitioner, and upon being filed the judge of the court shall have the boy named in the petition brought before him for the purpose of determining the application in said petition contained, and for the hearing of such petitions, the county court shall be considered always open.

Writ. § 4. Upon the filing of such petition, the clerk of the court shall issue a writ to the sheriff of the county, directing him to bring such boy before the court, to order a jury to be summoned to ascertain whether such boy is a dependent as alleged in said petition, and also to find if the other allegations are true, and if found to be such, they shall also find his age in their verdict; and when such boy shall be without counsel, it shall be the duty of the court to assign counsel for him; and if the jury shall find that the boy named in the petition is a dependent boy, and that the other material facts set forth in the petition are true, and if in the opinion of the judge he is a fit person to be sent to a training-school for boys, the judge shall enter an order that such boy be committed to a training-school for boys in the county, if there be such in the county; but if there be no such school in the county, then to any training-school for boys elsewhere in the State, to be in such school kept and maintained until he shall arrive at the age of 21 years, unless

Order of judge.

sooner discharged therefrom, in the manner hereinafter provided. Before the hearing aforesaid, notice shall be given to the parents or parent or guardian of the boy, if to be found in the county, and also to the chairman of the county board of the county, of the proceedings about to be instituted, and they may appear and resist the same.

§ 5. If the court finds as in the preceding section, it shall further order of record that such boy has no guardian, or that his guardian or parents or parent is or are not fit person or persons to have the custody of such boy, as the case may be, and the court shall thereupon appoint a guardian of the custody and tuition of such boy, and no bond shall be required of such guardian, and such guardian shall permit such boy to be placed under the care and in the custody of such training school for boys as herein provided.

Guardian.

§ 6. A warrant shall thereupon be issued in duplicate by the clerk to some suitable person, a resident of the State, to be designated by the judge, authorizing him or her to take in charge and care the dependent boy named in said order, and convey him to the training school for boys to which he is to be committed, and said warrant shall be substantially as follows:

Warrant.

STATE OF ILLINOIS,                                  }ss.  
..... COUNTY. }  
.....

*The People of the State of Illinois, to .....*:

You are hereby authorized to take forthwith into your charge and care ..... aged.... years, who has been declared a dependent boy, and convey him to the ..... (as the case may be) training school for boys, and of this warrant you are commanded to make due return to this court after its execution.

Witness my hand and the seal of the ..... court of ..... county, this ..... day of ..... A. D. ....

[Seal of court.]

Clerk of ..... Court of ..... county.

This warrant, with the receipt thereon, shall be returned to the clerk, to be filed by him with the other papers relating to the case, and this warrant shall be a sufficient and competent authority for the proper officers and agents of the training school for boys to which it is directed, to receive, keep and detain the person therein named, and a duplicate copy thereof shall be delivered to the superintendent or other proper officer of such school, to be kept by him at the school, which duplicate shall have thereon a full copy of all endorsements made upon the one returned to court, and to be recorded by him in a book kept for that purpose, and said book shall always be open to the inspection of any person.

§ 7. Upon receiving the dependent boy, the superintendent of the school shall endorse upon the warrant referred to in the preceding section a receipt as follows:

.....(as the case may be), Training School for Boys.

Received this ..... day of ..... A. D. 18.., the boy named in this warrant.

[Seal of school.]

..... Superintendent.

Fees for conveying boy to the school.

§ 8. The fees for conveying a dependent boy to a training school for boys shall be the same as for conveying a juvenile offender to the Reform School for Juvenile Offenders at Pontiac, in this State, and they shall be paid by the counties from which such dependent boys are sent, unless they are paid by the parent or guardian.

Clothing and maintenance.

§ 9. For the clothing, tuition, maintenance and care of dependent boys, the county from which they are sent shall pay to the training school for boys to which they may be committed as follows: For each dependent boy under the age of ten years, eight dollars (\$8) per month; for each dependent boy over ten and under fourteen years of age, seven dollars (\$7) per month; for each crippled and disabled boy of any age, nine dollars (\$9) per month. And upon the proper officer rendering proper accounts therefor, quarterly, the county board shall allow and order the same paid out of the county treasury. *Provided*, that no charge shall be made against any county by any training school for boys on account of any dependent boy in the care thereof who shall have been by said school put out to a trade or employment, or for adoption after he shall have been, and as long as he shall remain so put out. *Provided*, that no charge shall be made against any county for the support and maintenance of such boy or boys, unless the county from which said boy or boys shall come shall first have contracted with said training school for boys, for the support and maintenance of said boy or boys.

Instruction.

§ 10. The officers and managers of any training school for boys in this State shall receive into such school all boys not idiotic and not afflicted with a contagious disease committed thereto under the provisions of this act, shall have the exclusive custody, care and guardianship of such boys, shall provide for their support and comfort, instruct them in such branches of useful knowledge as may be suited to their years and capacities, and shall cause them to be taught or trained in some trade or industrial pursuit. And for the purpose of their education and training, and that they may assist in their own support, they shall be required to perform such tasks suitable to their years and sex as may be prescribed by such officers and managers, and as may be reasonable and proper.

§ 11. Any boy committed under the provisions of this act to a training school for boys, may, by the officers and managers of said school, be placed in the home of any good citizen, upon such terms and for such purpose and time as may be agreed upon, or he may be given to any

suitable person of good character who will adopt him, or <sup>Adoption and binding out.</sup> he may be bound to any reputable citizen as an apprentice to learn any trade, or as servant to follow any employment which, in the judgment of said officers and managers, will be for his advantage; and all and singular of the provisions of the act entitled "An act to revise the law in relation to apprentices," approved February 25, 1874, in force July 1, 1874, in so far as they are applicable, shall apply to and be binding upon such officers and managers, and upon such boy and upon the person to whom such boy may be bound: *Provided*, that any disposition made of any boy under this act shall not bind him beyond his majority. *And, provided, further*, that such officers and managers shall have a supervising care over such boy after he shall be so put out, to see that he is properly treated and cared for; and, in case such boy is cruelly treated, or is neglected, or the terms upon which he shall have been put out to any person be not observed, then it shall be the duty of such officers and managers to take and receive such boy again into the custody, care and protection of said training school. And said officers and managers shall have power to reclaim any boy put out to any person under the terms of this act without the consent of the person to whom the boy may be so put out, whenever, in the judgment of the said officers and managers, the boy shall be cruelly treated, neglected in training, proper instruction or otherwise, or not properly cared for.

§ 12. Any boy committed to a training school for boys, under the provisions of this act, may be discharged therefrom at any time in accordance with the rules thereof when, in the judgment of the officers and managers, the good of the boy or the good of the school would be promoted by such discharge, and the Governor may at any time order the discharge of any boy committed to a training school under the provisions of this act. Discharge.

§ 13. All training schools for boys in this State, organized under this act, shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities as the charitable institutions of the State. But no such training school shall receive an appropriation from the State for any purpose, and any school receiving an appropriation from the State shall not have the benefit of the provisions of this act. [Approved June 18, 1883.] Visitation.

# INDEX.

PAGE.		PAGE.	
Accounts of county superintendent, how kept.....	10	Auditor, State, to apportion public funds to file transcript of land sales.....	48
of township treasurer, examined by county superintendent.....	13	to issue patents for school lands.....	63
same, how kept.....	42	when patents are lost, to issue duplicates.....	64
same, subject to inspection.....	43	Board of Education of the State of Illinois, the.....	84
of township treasurer with school districts.....	46	Boards, county. See "County boards;" of directors, see "Directors;" of supervisors, see "County boards."	
same, semi-annual statement of .....	46	Boards of education, appointed when.....	67
Actions, civil—		elected when.....	53
against collector of taxes.....	32,	funds withheld from.....	52
against purchaser of school lands.....	62	in cities of 2,000, powers and duties of .....	53
against school officers.....	51	in cities of 100,000, powers and duties of .....	56
against township treasurer.....	46	in cities with special school charterers.....	52
against township trustees 13, 17, 22, 46.....	50	term of office of.....	55
against trespassers on school lands.....	59	to make reports.....	67
to recover interest.....	45	to prosecute offenses under compulsory law.....	83
to recover on mortgages.....	44	members liable for failure to do same.....	83
to recover on notes, etc., belonging to the school fund.....	45	Bond, official, county superintendent's—	
Actions, criminal—		approval of.....	9
against school officers.....	50, 51,	custodian of.....	10
against persons failing to pay over fines and forfeitures.....	51	form of.....	10
against persons preventing colored children from attending school.....	57	insufficiency of.....	10
Acts, official, to be recorded...18, 28, 55, repealed.....	55	Bond, State Superintendent's, approval of .....	7
Administrators to give preference to debts due the school fund.....	65	custodian of.....	7
Advertisement of sale of school house or site.....	60	Bond, township treasurer's, approval of .....	11
of sale of school lands.....	27,	by county superintendent.....	11
Advice given to school officers by State Superintendent.....	26	same, by trustees.....	41
to school officers and teachers by county superintendent.....	60	custodian of.....	11
Age of persons enumerated in school census.....	9	form of.....	41
in statistics of illiteracy.....	25	insufficiency of.....	11,
of school children.....	25	same, trustees liable for.....	41
taken as basis of apportionment of funds.....	34	Bonded debt, how disposed of in case of change of district lines.....	50
Apparatus, school, may be purchased... may not be sold by school teacher or officer.....	48	Bonds, original issue of.....	32
Appeal from county superintendent to State Superintendent.....	30	same, amount limited.....	33
from trustees to county superintendent.....	52	same, registry of.....	33
Apportionment of funds by Auditor.....	20	refunding, with registration with Auditor.....	71
by county superintendent.....	48	refunding, without registration with Auditor.....	79
by township trustees.....	11	vote of people for the issue necessary.....	32, 73,
Appraisal of district property when boundaries are changed.....	26	Books. See "Text books."	
of school lands.....	61,	Boundaries, district. See "District boundaries."	
Appraisers, how appointed.....	22	Boys, industrial school for.....	97
Assessor to note number of districts, in assessing personal property.....	62	Branches of study, determined by directors.....	34,
Attachment, writ of.....	31	by voters.....	36
Attorney's, State's, duties of, with regard to fines and forfeitures.....	35	See also "Teacher's certificate."	
	59	Census of children under 21 taken by county superintendent.....	13
		by directors.....	29
		by trustees.....	25
		State, basis of apportionment by Auditor.....	48

PAGE.		PAGE.	
Certificate of amount of tax due each district.....	32	Common school lands—	
of tax levy.....	30	same, duplicates.....	62
Certificates—		payment to secure purchase.....	64
how made when district lies in two or more counties.....	31	same, failure to make.....	62
Certificate of licensure, teacher's.....	35	rental of.....	67
essential that the teacher have one good for the entire term of his contract.....	37	right of way over, granted.....	66
issued by county superintendents.....	35	sale of.....	60
same, examinations for.....	36	same, advertisement of.....	61
same, form of.....	36	same, at private sale.....	62
same, fee for.....	37	same, made by county superintend-	
same, grades of.....	35	ent.....	62
same, qualifications for.....	35	same, manner of.....	62
same, record of.....	36	same, petition for.....	60
same, renewal of.....	35	same, in fractional townships.....	60
same, revocation of.....	36	same, notice of, given trustees.....	61
issued by State Superintendent.....	36	same, place of.....	61
same, examination for.....	36	same, terms of.....	61
same, revocation of.....	36	sale of at subsequent time.....	62
Certificate of purchase. See "Common School lands."	34	statement of sales of, to county board.....	63
Changes of text-books.....		same, examined and recorded.....	63
Charitable institutions, State educational, visited by State Superintendent to make report.....	66	same, transcript of, filed with Auditor.....	63
Children, all to receive a good common school education.....	34	trustees to divide into lots and plat..	61
secured the right to an elementary education.....	82	to value lots .....	61
colored, rights of in public schools.....	65	to re-value lots.....	62
illiterate, number of, reported.....	8, 25,	See also, "Real estate."	
number of in public schools, reported.....	29	Compensation of school officers.....	49
number of under 21, basis of apportionment.....	11, 26, 48	of clerk of board of directors.....	29
number of under 21, reported.....	8, 25,	of county superintendent.....	49, 70
penalty for failure to report.....	50	of township treasurer.....	50
penalty for false report.....	51	Condemnation of land for school site.....	34
Churches to receive no appropriation from school fund.....	51	Consolidation of districts. See "District boundaries."	
Cities and towns—		of townships. See "Townships."	
of 2,000 inhabitants.....	53	Constitution of Illinois, 1872, Art. viii of..	5
of 100,000 inhabitants.....	56	Contracts made by boards of trustees and directors, members not to be interested in.....	30
to forfeit funds, when.....	55	made with teachers, conditions of validity of.....	37
with special charters.....	52,	Control of school houses.....	26
same, modified.....	30, 55, 67,	Controversies arising under school law.....	12
Clerk of board of directors, appointed.....	28	appeal of, to State Superintendent.....	13
compensation of.....	29	Conveyance of real estate by county superintendent.....	14
to enter treasurer's exhibit on records.....	46	by trustees.....	27
to keep a record.....	29	to cities in trust.....	58
same, to submit to treasurer.....	29	Corporation, board of education, a.....	53
to post exhibit of treasurer at annual election.....	46	board of directors, a.....	53
to report to township treasurer.....	29	board of trustees, a.....	14
of board of trustees. See "Township treasurer."		not to make sectarian grants.....	5, 51
Clerks of courts of record to report and pay over fines and forfeitures.....	59	Costs not chargeable to school officers, when .....	52
Collectors of taxes—		County board—	
liability of, for non-payment of district taxes collected.....		appropriations for institutes made by bond of county superintendent approved by.....	49
to give notice to directors and trustees.....		examination of report of land sales by.....	63
to pay amount of Auditor's warrant to county superintendent.....		liability of, for failure to make examination.....	63
to pay amount of district taxes collected to township treasurer.....		may require new bond of county superintendent.....	10
to state to township treasurer amount of district taxes uncollected.....		removal of county superintendent, by.....	10, 12
Colleges, etc., to report.....		vacancy in office of county superintendent, filed by.....	10
Colored children in public schools.....		visitation of schools by county superintendent, ordered by.....	12, 70
Common School lands—(16th section)		County clerk, election of trustees, ordered by.....	15
business with regard thereto, where transacted.....		list of trustees furnished county superintendent by.....	17
certificate of purchase of.....		map of township filed by.....	30
same, filed with county superintendent.....		tax payers, list of filed by.....	20, 21, 22, 23
same, duplicate of.....		to compute district taxes.....	31
patents conveying title to.....		to certify same to township treasurers.....	32
		to record statement of land sales .....	63
County fund—		County superintendent of schools.....	9
consists of what.....		accounts of township treasurer examined by.....	13
loaned by county superintendent....			

PAGE.	PAGE.		
County superintendent of schools— adviser of school teachers and officers.....	12	Directors of schools— duties of, with regard to the schools.....	33
appeal from to State Superintendent.....	13	election of.....	28
appeal to, from action of trustees.....	20	same, notices of.....	28
apportionment of funds by.....	11	same, ordered by county sup't.....	28
same, of interest on county fund.....	12	same, ordered by township treasurer.....	28
bond of.....	9	election of, on Saturday.....	28
bond of township treasurer approved and held by.....	10	same, postponed.....	28
may demand that same may be increased.....	11	elections to choose school site, etc., called by.....	32, 34, 73, 79
certificate, teacher's, may grant.....	35	exclusion of colored children from schools by, prohibited.....	65
same, may renew or revoke.....	35	exhibit by township treasurer to.....	46
same, to make record of.....	36	same, posted by, at annual election.....	46
compensation of.....	49, 70	interest in contract made by the board prohibited to.....	30
controversies under school law referred to.....	12	same, in sales of books, etc., used in the district prohibited to.....	52
county funds loaned by.....	12	interest on teachers' orders, to pay when.....	40
directors, may order election of.....	28	judges of district elections.....	28
same, may remove.....	51	judgments and executions against liable personally—	35
election of.....	9	for conversion of school fund.....	50
examination of teachers, to make.....	35, 37	for failure to discharge duties of office.....	51
examination of treasurers' accounts, etc., to make.....	13	for failure to make returns, or for making false returns of statistics.....	50
fines and forfeitures, duties of concerning.....	59	for failure to prosecute parents who do not send children to school.....	83
funds withheld by.....	11, 52	for loss of school funds.....	51
may be chosen.....	5	for perversion of school funds to sectarian purposes.....	51
notes, etc., taken by.....	12	to district.....	40
oath of office taken by.....	9	to teacher.....	40
office turned over to successor by.....	12	libraries and apparatus purchased by, when.....	30
qualifications of.....	5	may borrow money, when.....	32
real estate, may sell and convey, and lease.....	14	may compensate clerk.....	29
records, kept by.....	10	may not be trusteeés.....	30
removal of, by county board.....	10, 12	meetings of.....	29
report of, to county board.....	11, 63	non-residence of member of, constitutes vacancy.....	29
same, to State Superintendent.....	12	official business of, how transacted.....	29
same, to trustees on treasurer's accounts, etc.....	13	orders drawn by.....	40, 47, 80
sale of common school lands by. See "Common School Lands.".....		same may not be drawn, when.....	40, 80
schools visited by.....	12	organization.....	28
statistics of townships, may make up.....	13	poll-book returned by.....	29
same, cost of, may collect from trustees.....	13	power of, to tax.....	30
teachers examined by.....	35, 36	same, limitations.....	30, 33
teachers' institutes conducted by.....	12, 37	powers of, limited.....	34
treasurer's accounts examined by.....	13	president of.....	28
treasurer's bonds approved and held by.....	11	property of district, personal, sale of by.....	30
trustees, election of, ordered by.....	15	pupils transferred by.....	23
vacancy, in office of, how filled.....	10	same, amount due on account of, collected by.....	24
County treasurer to give notice to directors and trustees.....	68	qualifications of.....	29
Debt, bonded, how disposed of in case of change of district lines.....	18	quorum of.....	33
Debts of old district to be deducted.....	22	records kept by.....	28
due school funds, preferred claims.....	44	same, submitted to treasurer.....	29
same may be compromised by trustees.....	27	removal of.....	51
Default in payment of loans, or interest thereon.....	45	reports to treasurer.....	29
penalty for same.....	45	schedules, certified by.....	39
Demands against school officers, lien for upon real estate.....	50	same, delivered to township treasurer by.....	40
Diploma of county normal school equal to first grade certificate.....	36	same, delivery of, limited.....	40
Directors of schools, a body politic and corporate.....	33	same, receipted for.....	39
boards of, elected.....	28	schedules, separate, delivered by, when.....	24, 39
apparatus purchased by, when.....	30	school house controlled by.....	26
bonds issued by.....	33	same, use of for meetings granted by.....	26
bonds refunded by.....	71, 79	school house site, located by, when.....	34
branches of study prescribed by.....	34, 36	teachers, employment of, by.....	34
certificate of tax levy made by.....	30	same, how limited.....	37
same, when to return.....	30	teachers, payment of, by.....	40
same, when district is in two or more counties.....	31	same, how limited.....	40
clerk of. See "Clerk.".....		term of office.....	28
dismissal of teacher.....	34	tie at election of.....	28
		to notify collector of taxes to whom to pay the money belonging to a union district.....	32
		transfer of pupils by.....	23
		vacancy in office of, how filled.....	28

PAGE.	PAGE.		
Directors of schools— women may be elected.....	65	Free schools, established.....	5
District, boundaries of, how changed.....	18	Fund, school, county, consists of what.....	47
township a, for high school.....	24	interest on distributed.....	12, 47
Districting of newly organized township.....	18	principal of, loaned.....	12, 47
Districts, changes of.....	18	real estate belonging to.....	14
designation of.....	18	Fund, school, State, consists of what.....	48
dissolved, when.....	22, 23	distributed.....	48
divided by county lines, taxation in.....	26	Fund, school, township, consists of what.....	47
elections in.....	20, 28	interest distributed.....	23, 45, 47
elections to vote on change.....	19	principal loaned.....	43, 47
formation of.....	18	real estate belonging to.....	27, 67
funds of, held by township treasurer.....	27	Funds. See "Apportionment of funds." forfeiture of.....	26
legalized.....	66	withheld by county superintendent.....	11, 52
list of taxpayers in, to be filed.....	20, 21, 22, 23	same, by order of State Superintendent.....	9
maps of, made and filed.....	20, 21, 22, 23, 30	Funds, school district, custodian of.....	27
property of, held by trustees.....	26	how paid out.....	47
same, when divided.....	21, 22, 23	surplus loaned.....	43
special, with 400 inhabitants or more.....	70	union district's collected in one treasurer's hands.....	47
taxes of. See "Taxes," with 2,000 inhabitants.....	53	Furniture, school, sale of by school offi- cers prohibited.....	5, 52
with 100,000 inhabitants.....	56	purchase of.....	30
See "Union Districts."		Gen'l Assembly to establish free schools.....	5
Division of property of a district.....	21, 22, 23	Girls, industrial school for.....	93
Donations, etc., for school purposes.....	5, 26	Governor to approve State Superintend- ent's bond.....	7
same, for sectarian purposes, pro- hibited.....	5, 51	Graduates of county normal schools.....	36
Education, good common school, to be afforded all children.....	5	High school, township. See "Township high school."	
elementary secured to children.....	82	Holidays.....	40
Elections. See "State Superintendent;" "County superintendent;" "Direct- ors of schools;" "Township trus- tees;" "Boards of Education." to purchase, move or build a school house.....	34	Illinois State Normal University.....	84
Eligibility to office, to board of educa- tion.....	58	Illiteracy, report of.....	8, 25, 29
to board of directors.....	30	Imprisonment of school officers.....	50, 51, 52
to board of trustees.....	15,	Indebtedness, previous, tax to pay, not limited.....	33
to township treasurership.....	17	refunded.....	71, 79
Eligibility of women to office under school laws.....	65	Indictment of school officers.....	50, 51, 52
Enumeration of children. See "Census." separate, made when.....	25	of trespasser.....	59
Examination of books, accounts, etc.— of county superintendent by county board.....	11, 63	Industrial school for boys.....	97
of directors by township treasurer.....	29	for girls.....	93
of treasurer by county superintend- ent.....	13	Informer to receive half.....	59, 60
same, by trustees.....	45	Institutes, teachers', appropriation for county superintendents to assist in.....	49
Examination of teachers by county su- perintendent.....	35	fees for.....	37
for State certificates.....	36	Institutions of learning to report.....	82
Execution issued against directors and trustees.....	35	Interest, action to recover.....	45
Executors to give preference to school debts.....	44	added to principal.....	45
Exemption from road labor and military duty.....	50	distributed.....	23, 45, 47
Expulsion of pupils by directors.....	34	on teachers' orders unpaid.....	40
False return of children.....	51	same, how stopped.....	40
Fines. See "Penalties."		penalty for default in payment of.....	45
Fines and forfeitures.....	59	rates on bonds.....	33, 72, 79
Forfeiture of funds by townships.....	26	rates on loans.....	43
same may be remitted.....	26	State to pay.....	48
Form of bond of county superintendent of bond of township treasurer.....	10	Judges of elections of directors.....	28
of notice to districts affected by changes proposed.....	19	delivery of poll-book by.....	29
of mortgage.....	44	Judges of elections of trustees.....	15
of register.....	38	delivery of poll-book by.....	17
of schedule and certificates there- to.....	39, 40	Judgments against school officers.....	35
of school orders.....	48	against purchasers of school lands.....	62
of tax certificates.....	30	Justices, duties of, concerning fines and forfeitures.....	59
of teacher's certificate and record.....	36	Lands. See "Common school lands," and "Real estate."	
of treasurer's record of notes.....	42	Levy of taxes. See "Taxes."	
Fractional townships. See "Townships." Fractional."		Liabilities. See "Penalties."	
		Libraries, school, provision for.....	30
		Lien on real estate of school officers from date of issuing process.....	50
		Limit of indebtedness, bonds, etc.....	33, 72, 79
		of taxation.....	30, 33
		Loans of county fund.....	12
		of district funds, surplus.....	43
		of township fund.....	43, 47

PAGE.		PAGE.	
Loss of funds, liability for.....	50, 51	Penalties, who are subject—	
<i>Mandamus</i> , writ of.....	35	report and to collect and pay over fines and forfeitures.....	59, 60
Map of township.....	18, 20, 21, 22, 23, 30	directors. See "Directors liable personally."	
filed in ten days by township treasurer	22	members of boards of education for not enforcing compulsory law.....	83
Meetings, of directors.....	29	parents for keeping children from school.....	82
of trustees.....	17	purchaser of school lands for not securing payment.....	62
in school houses.....	26	townships, for failure in delivering reports.....	26
Month, school.....	40	teachers, for not making schedules.....	40
Mortgages—		treasurers. See "Treasurers liable."	
form for.....	44	trustees. See "Trustees liable."	
in name of county superintendent.....	12, 43	See also "Removal from office."	
in name of trustees.....	43	Permits to transfer pupils.....	23
Normal schools, county, act establishing.....	91	to be filed.....	23
same, graduates of.....	36	Perversion of funds to sectarian uses.....	51
State, acts establishing.....	84, 87	penalty for.....	51
Notes, etc., in name of county superintendent.....	12	Petitions for change of district lines.....	18
same, examined by county board.....	11	same, to be filed twenty days.....	19
in name of trustees.....	43	same, notice of to districts.....	19
same, examined by county superintendent.....	13	for, or against township high school.....	24
by trustees.....	26, 45	for sale of school house.....	26
same, list of given county superintendent, annually.....	43	for organization under the general law.....	55
Notice of elections, district.....	20, 28, 53	for sale of school lands.....	60
same, township.....	15, 16, 24	Plat of common school lands.....	61
same, city, etc., to organize under general school law.....	55	Poll-book, election of directors, return of.....	29
of examinations of teachers by county superintendent.....	37	same, penalty for failure.....	29
by State Superintendent.....	36	election of trustees, return of.....	17
of sale of common school lands.....	61	same, penalty for failure.....	17
of sale of real estate.....	14, 27	Polling places, more than one when.....	16
Oath, official, county superintendent's.....	9	Polls, election of directors opened and closed.....	28
State Superintendent's.....	7	election of trustees.....	15
Office of State Superintendent, where kept.....	7	Postponement of elections.....	15, 28
Officers, school, exempt from road labor and military duty.....	50	President of board of directors.....	28
liabilities of. See "Penalties."		<i>pro tempore</i> , may be appointed.....	28
lien on real estate of.....	50	<i>pro tempore</i> , may be appointed.....	17
to receive advice.....	9, 12	Proceedings, official to be recorded.....	18, 29
Official bonds. See "Bonds."		Property of districts, divided in case of change of district boundaries.....	22, 23
Orders, school, form of.....	48	teachers to account for.....	37, 40
form of, when against uncollected taxes.....	80	Publication of statement by township ship treasurer.....	69
teachers, substance of.....	40	Pupils, age of.....	34
same, draw interest when.....	40	age and names noted on register.....	38
same, to be drawn when.....	40	same, on schedule.....	38
treasurers to file.....	48	assigned to the several schools.....	34
Organization of board of directors.....	28	attendance of, noted.....	38, 39
of board of trustees.....	17	suspension and expulsion of.....	34
of cities, etc., under general law.....	55	transferred.....	23
Parents must send children to school.....	82	same, separate schedules of, when.....	24, 38
Patents issued to purchasers of school lands.....	63	under 12, in school four hours a day.....	34
same, duplicates of.....	64	Purchasers of common school lands—	
Penalties, who subject to—		may borrow amount of bid.....	61
any person, for preventing colored children from attending school.....	65	must secure payment of bid.....	61
for trespass on school lands.....	59	to receive, certificate of purchase.....	63
any school officer, for causing loss of school funds.....	51	to receive patents.....	63
for neglect of duty.....	9, 51	when to receive duplicates.....	64
any school officer, or any other person for conversion or perversion of school funds.....	50, 51	Qualifications, for office, county superintendent.....	5
borrower of school funds, for failure to pay interest or principal.....	45	directors.....	29, 30
cities, for failure to make reports.....	52	same, treasurer.....	17
collectors of taxes, for refusal to pay.....	32, 49	same, trustees.....	15, 30
county board, for neglect of duty to examine report of land sales.....	63	of teachers.....	35, 36
clerk of courts of record, State's attorneys and justices, for failure to		of voters.....	16
		of women as school officers.....	65
		Quorum of directors.....	33
		of trustees.....	17
		Rate of interest. See "Interest."	
		Real estate, held by county superintendent.....	14
		by trustees.....	26, 27
		leased.....	14, 26, 67
		lien on, belonging to school officers.....	50
		right of way over, granted.....	66

Real estate.	PAGE.	Schedules.	PAGE.
security for loans.....	43	form of.....	39
same, how valued.....	44	receipt for, given to teacher.....	39
taken for indebtedness by county su- perintendent.....	14	teacher to keep.....	38
by trustees.....	27	Scholars. See "pupils."	
See also "Common school lands."		School, any gift, etc., to.....	5, 26
Receipts for schedules.....	38	School books. See "Text books."	
treasurer to take and file.....	48	School books, apparatus and furniture— school officers not to be interested in when.....	5, 52
Records of county superintendents.....	10, 63	School directors. See "Directors."	
same, examined by county board.....	10, 63	School districts. See "Districts."	
of directors.....	28	School elections. See "Elections."	
same, submitted to township treas- urer.....	29	School funds. See "Funds."	
of sale of common school lands.....	63	School house, building of, tax for lim- ited.....	30, 36
same, examined by county board.....	63	same, vote necessary to authorize.....	30
same, transcript of, filed with Audi- tor.....	63	controlled by directors.....	29
of State Superintendent.....	7	meetings in.....	23
of county superintendent.....	10, 36	repairing and improving.....	30, 36
of teachers' certificates, granted by county superintendent.....	36	sale of.....	26
same, transcript sent State Superin- tendent.....	36	site for.....	34
of treasurer.....	42	title to, in trustees.....	26
same, examined by county superin- tendent.....	43	School lands. See "Common school lands," and "Real estate."	
same, open for inspection.....	18,	School libraries.....	30
same, submitted to trustees.....	18,	School month.....	30
of trustees.....	18	School officers—	
same, open for inspection.....	18	exempted from road labor and mili- tary duty.....	50
Registers, books furnished by directors.	38	legal advisers of.....	9, 12
same, returned by teacher at close of term.....	38	liable for conversion of school funds..	50
form of.....	38	for exclusion of colored children.....	65
to be kept by teachers.....	38	for failure to return, or false return of statistics.....	50, 51
Relinquishment of special charter.....	55	for loss of schoolfunds.....	51
Removal from district or township, effect of.....	29	for perversion of same.....	51
from office—		lien on real estate of.....	50
of county superintendent.....	10, 12	selling school books, etc., by, pro- hibited when.....	5, 52
of directors.....	51	See also "Superintendent of Public Instruction," and other officers.	
of president of board of trustees ..	18	School orders. See "Orders."	
of teachers.....	34	School site. See "Site."	
of treasurer.....	18, 27	School superintendent. See "Superin- tendent."	
Repeal of former acts.....		School tax. See "Taxes."	
Reports, of cities and towns.....		School trustees. See "Trustees of schools."	
of collector of taxes to township treasurer.....		School visitation. See "Schools."	
to trustees and directors.....		School teachers. See "Teachiers."	
of county superintendent to county board, annual.....	11	School year.....	33, 54
same, of land sales to county board.....		Schools, branches of study in, how de- termined.....	34, 36, 54, 56
same, to Auditor.....		high. See "Township high schools."	
same, of condition of schools, to State Superintendent.....	12	management of.....	24, 34, 54, 57, 68
of directors, to township treasurer..	29	normal.....	84, 87, 91
same, to voters at annual meeting....	46	supervision of.....	8, 12
of fines and forfeitures.....	59	support of.....	30, 54, 56
of institutions of learning.....	53	term of, in cities.....	54
of rentals, to county superintendent.....	67	same, in districts.....	30, 34
of State Superintendent, to Governor.....	8	same, may be extended how.....	34
of statistics. See "Statistics."		visitation of.....	12, 54, 57
of treasurer, to trustees, annual and semi-annual.....	45	Secretary of State to hold State Super- intendent's bond.....	7
of trustees, to county superintendent.....	25	Sectarian purposes, perversion of funds to, prohibited.....	5, 52
same, items of.....	25	Security on bonds. See "Bonds, official."	
penalties for failure to make. See "Penalties."		on loans, personal.....	43
Rules and regulations made by board of education.....	54, 57	real estate, on loans.....	43
by directors.....	34	same, improvements on, not valued.....	44
by State Superintendent.....	8	Settlement, trustees may make.....	27
Salary of State Superintendent.....	9	Sinking fund, how created.....	81
Sale of common school lands. See "Com- mon school lands."		Site, school house, choice of.....	34
of real estate. See "Real estate."		same, when made by directors.....	34
of school books, etc., limitations.....	5, 52	sale of.....	26
of school house and site.....	26	condemnation of land for.....	34
of school property.....	30	title held by trustees.....	26
Schedules, certificates upon, forms.....	38, 39, 40	Sixteenth section, constitutes common school lands.....	58
delivery of to directors.....	39	other sections in lieu of.....	58
to township treasurer.....	39	Southern Illinois Normal University.....	87

PAGE.	PAGE.		
State to pay interest.....	48	Teachers' institutes—	
State's attorneys. See "Attorneys."		same, appropriations for.....	49
State certificates.....	36	same, fees for.....	37
charitable institutions, superintendent of, to report.....	66	Term of office of boards of education.....	53, 58, 68
same, visited by State Superintendent.....	66	of county superintendent.....	9
funds.....	48	of directors.....	28
normal schools.....	84, 87	of State Superintendent.....	7
Superintendent. See "Superintendent of Public Instruction."		of treasurer.....	17
Statements. See "Reports."		of trustees.....	14
Statistics, not divisible, how reported....	26	Terms of loaning school funds.....	43, 44
See "Reports."		of sale of school lands.....	61
Sufficiency of treasurer's securities, trustees responsible for.....	50	Text books prescribed by directors.....	34
Suits. See "Actions."		Text books—	
Superintendent of Public Instruction—		same, to be uniform.....	34
adviser of county superintendents.....	9	same, not to be changed oftener than once in four years.....	34
bond of.....	7	same, not to be sold by school officers.....	5, 52
certificates, State teachers' granted and revoked by.....	36	Tie vote, how decided.....	16, 28
election of.....	7	Title to real estate.....	14, 27
forfeitures remitted by.....	26	to school houses and lots.....	26
funds withheld by.....	9	to common school lands, from the State.....	58, 63
not to be interested in the sale of school books, etc.....	5, 52	Town meeting, election of trustees at.....	16
Oath of office of.....	7	Towns and cities. See "Cities and towns."	
office of, at seat of government.....	7	Township, school business of, done by trustees.....	14
same, expenses of.....	9	congressional, made a school township.....	14
papers, etc., filed and preserved by.....	7	divided by county lines.....	26
record kept by.....	7	fractional, consolidated with adjacent, when.....	14, 60
report of, to the Governor.....	8	fund of. See "Fund."	
rules to enforce the school law made by.....	8	funds apportioned to.....	11, 12
salary of, determined by law.....	9	same, forfeiture of.....	9, 26
term of office of.....	7	made a district to support a high school.....	24
to advise school officers.....	9	may unite with another for same purpose.....	24
to counsel and advise with teachers.....	8	newly organized, districted.....	18
to have supervision of the public schools.....	8	same, map of.....	18
to visit state charitable institutions.....	66	school section belonging to.....	58
Superintendents of State charitable institutions to report to State Superintendent.....	66	Township high school, how discontinued.....	24
Superintendents of schools, appointed when.....	54	same, disposition of property.....	25
Sureties. See "Bonds official."		how established.....	24
Suspension of pupils.....	29	how supported.....	24
Taxes, school, collection of.....	31	trustees to manage.....	24
computation of, basis of.....	31	two or more townships or parts of townships may establish.....	24
same, made by county clerk.....	31	Township treasurer, accounts of, how kept.....	42
collector of, to pay how, in case of union districts.....	32	appointment of.....	17
same, to pay township treasurer.....	32	same, who eligible to.....	17
same, failure of to pay.....	32	bond, official, approved.....	11, 41
levy of, form of certificate.....	30	delivered to county superintendent.....	11, 41
same, when returned.....	30	form of.....	41
must be uniform.....	32	increased, when.....	41
power to levy, granted boards of education in cities and villages.....	30, 54, 68	books and accounts of, examined by county superintendent.....	13
to directors.....	30, 33	by trustees.....	26
same, limited.....	30, 33	same, subject to inspection.....	18, 43
same, exception to.....	33	same, submitted to trustees.....	45
same, in satisfaction of judgment.....	35	certificate of amount of taxes due sent to, by county clerk.....	32
Tax payers, list of, filed.....	20, 21, 22, 23	certificates of tax levy returned by, to county clerk.....	30
Teachers, appointment of.....	34, 54, 56	clerk of trustees, to be.....	17
cannot be paid, when.....	37, 40	compensation of.....	53
cannot be employed, when.....	37	county superintendent may direct, in case of change of district lines.....	21
dismissal of.....	34, 54, 57	custodian, only legal, of funds of boards of education, when.....	55
examination of.....	35, 36, 54, 57	of district funds.....	27
funds withheld from.....	9	of township funds.....	27
must have certificate.....	37	debts due township probated by.....	45
not to teach on holidays.....	40	district funds paid out by, how.....	47
registers to be kept by.....	38	district records examined by.....	29
same, returned to directors.....	38	duties of, as to transfer of pupils.....	24
schedule to be kept by.....	38	elections of trustees called by.....	15
same, certified.....	39	same, of directors.....	20, 28
same, unpaid, balance of to draw interest.....	40	interest paid teachers by, when.....	40
wages of, due when.....	40		
Teachers' certificates. See "Certificates."			
Teachers' institutes held by county superintendent.....	12, 37		

PAGE.	PAGE.
Township treasurer—	
liable in a civil action—	
for failure or refusal to perform legal duties.....	46
same, when not liable.....	46
for failure to publish annual statement.....	70
for failure to turn over books, etc., to his successor.....	47
for loss of school funds.....	51
liable in a criminal action—	
for conversion of school funds.....	50
for failure to report statistics or for false return of same.....	51
for perversion of school funds to a sectarian use .....	51
for being interested in the sale of school books, etc.....	5, 52
lien on real estate of.....	50
list of taxpayers made and filed by.....	20, 21, 22, 23
maps made and filed by.....	20, 21, 22, 23, 30
money paid to, by tax collector.....	32
moneys, bonds, etc., delivered to, by county superintendent.....	11
not to be interested in the sale of school books, etc., when.....	5, 52
notes, bonds, etc., held by, examined by county superintendent.....	13
same, list of, given county superintendent annually.....	43
same, submitted to trustees.....	45
cash held by, verified by trustees.....	46
official term of, two years.....	17
poll-book of district election filed with.....	29
removed by trustees, when.....	18, 27
responsible for losses, when.....	51
state and county funds paid to, by county superintendent.....	11
statement to directors made by, under oath, semi-annually.....	46
statement to trustees.....	45
sued by trustees, when.....	27
suit brought by, against tax collector.....	32
same, to recover interest.....	45
same, when additional security is not given.....	44
surplus of district funds, loaned by, to make teachers' orders interest bearing when not paid on presentation.....	40
same, to record.....	40
to file orders paid.....	48
to notify clerks of directors when he has funds to pay unpaid teachers' orders.....	40
same, to record.....	40
to hold funds to pay same.....	40
to take and find receipts for moneys paid.....	48
to publish statement annually.....	69
to turn over office, etc., to his successor.....	47
same, in case of his death.....	47
township fund loaned by.....	43
Trees, cut, etc., on school lands.....	59
Trespasser on school lands.....	59
liable to fine and commitment.....	59
Trustees of school lands.....	17
Trustees of schools, accounts, etc., of treasurers examined by.....	26, 45
apportionment of funds by.....	23
body politic and corporate, a.....	14
boundaries of districts changed by— at April meeting.....	18
bonded debt, how disposed of.....	18
condition of.....	18
discretion in regard to.....	18
funds divided.....	21
liability for failure to divide funds.....	22
property appraised.....	21
Trustees of schools, accounts, etc.— debts deducted from same.....	22
remainder of same divided.....	22
same, appeal from action of trustees.....	20
how taken.....	20
who may appeal.....	20
same, election ordered in new district by.....	20
same, new map and list of tax-payers filed by within ten days with county clerk.....	20, 21, 22, 23, 30
clerk appointed by, who is also treasurer.....	17
same, <i>pro tempore</i> .....	18
debts due school fund compromised by.....	27
election of, conducted how.....	15, 16
same, contested how.....	16
same, held for first time.....	15
same, notices of.....	15
same, ordered by township treasurer.....	15
same, polls opened and closed when.....	16
same, postponed.....	15
same, tie, how determined.....	16
same, time of.....	15
same, voters at, qualifications of.....	16
election of, at town meetings.....	16
eligible to office of, who are.....	15, 29
gifts, grants, etc., received by.....	26
judges of election.....	15
liable in a civil action—	
for failure to act upon notice of county superintendent.....	13
for failure to distribute property in case of a division of a district.....	22
for failure to return poll-book.....	17
for failure to return statistics.....	13, 50
for loss of school funds.....	51
for insufficiency of treasurer's securities.....	50
liable in a criminal action—for being interested in sale of school books, etc.....	52
for conversion of school funds.....	5, 50
for failure to return statistics, or for false return of same.....	50
for perversion of funds to a sectarian use.....	51
list of, furnished county superintendents by county clerk.....	17
map of township made by.....	18
meetings of, regular and special.....	17
organization of board of.....	17
president appointed.....	17
same, <i>pro tempore</i> .....	18
quorum of.....	17
real estate, leased by.....	27, 67
purchased by.....	27
sold by.....	27
report to county superintendent.....	25
same, items.....	25
residence of changed, vacates office.....	29
school house and site sold by.....	26
came, title to held by.....	26
separate enumeration made by, when.....	25
successors to "Trustees of school lands.".....	17
term of office.....	14
title to school house and site held by.....	26
townships laid off into districts by.....	18
treasurer appointed by.....	17
same, removed by.....	18, 27
same, sued by.....	27
treasurers' accounts, etc., examined by.....	26
vacancy in office, how filled.....	16
Union school district dissolved, how.....	23
funds of, put in hands of one treasurer.....	32, 47

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PAGE.	PAGE.		
Use of school houses for meetings.....	26	Vacancies in office of board of education.....	54, 58
Validity of teachers' certificates.....	35,	of county superintendent.....	10
Valuation of common school lands .....	61,	of directors.....	28
Vote of the people required to borrow money.....	32	of trustees.....	16
to establish or discontinue a town- ship high school.....	24	Warrants, Auditor to issue to county superintendent.....	48
to levy a tax to extend a district school beyond nine months.....	34	paid by county collector.....	49
to locate a school house.....	34	returned by same.....	49
exception to the same.....	37	refusing to pay, penalty for.....	49
to refund bonds or outstanding in- debt.....	79	See also "Orders."	
to purchase or build a school house..	34	Women may be school officers.....	65
Voters, of district may add higher branches.....	36	qualifications of.....	65
qualifications of.....	16	to give bond and qualify as required by law.....	65